

Unity of Priesthood

Necessary to the

Unity of Communion in a CHURCH

With some

R E F L E C T I O N S

O N T H E

O X F O R D M A N U S C R I P T,

And the P R E F A C E annexed.

ALSO

Collection of C A N O N S, part of the
said M A N U S C R I P T, faithfully trans-
lated into *English* from the *Original*, but con-
sidered by Mr. *Hody*, and his *Prefacer*.

G. J. B. 3/17



L O N D O N,

Printed in the Year MDCXCII.

THE CONTENTS.

1. **U**ndertaken at the News of the new Bishops.
2. Plurality of Bishops as fatal as plurality of Kings.
3. The Church founded on Bishops.
4. But one Bishop in a Church.
5. A Rule generally known and practised.
6. More makes a Schism.
7. Novatianus at Rome did so.
8. So did Meletius at Lycopolis in Egypt.
9. Majorinus at Carthage, and others elsewhere.
10. Unity of Priesthood under the old Law.
11. The second Bishop makes the Schism.
12. His Ordination null.
13. His Person and Office censured.
14. Not sufficient to be of the same Faith with the first,
15. Though an Assertor of and Sufferer for it.
16. Is rejected by all.
17. The Bishops renounce Communion with him.
18. The Laity his Presidency.
19. The Compilers guilty.
20. The Ordainers worst of all.
21. A Digression touching the Oath of Canonical Obedience.
22. The Schism aggravated,
23. Through the unjust Deprivation of the Bishops; as contrary
24. To the Primitive Canons,
25. To the Proceedings and Rescripts of Christian Emperours,
26. To the Methods of England, Saxon or Norman.
27. Not innovated by the Reformation.
28. State Deprivation a novel and wicked Invention.
29. Through the Primate's being one of these Bishops, without whom
30. Nothing is to be done in the Church,
31. No Ordination counted valid.
32. The Case of Abiathar considered,
33. As to the being of two High Priests at once,
34. As to his Deposition by Solomon.

35. *Regal Depositions fatal to the Church.*
36. *They proved so to the Jewish,*
37. *They proved so to the Greek ;*
38. *An Apology for both.*
39. *The Case of the deprived Bishops not the same*
40. *With those in K. Edward the Sixth's days ; as touching*
41. *Their Investitures,*
42. *Their Crimes,*
43. *The Manner of their Deprivations.*
44. *Nor with those in Q. Elizabeth's days.*
45. *Preliminary Observations respecting the same ;*
46. *The number of the deprived,*
47. *Their Titles faulty,*
48. *Their Crimes inexcusable,*
49. *The Authority unexceptionable.*
50. *The Parliament cannot authenticate Schism,*
51. *No Act of Submission to them,*
52. *Ecclesiastical Matters out of their Sphere,*
53. *Never more unhappy than when meddling in them.*
54. *The Necessity of the present Separation evinced,*
55. *Mr. Hody and his Prefacer detected and confuted.*

UNITY

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SIR,

OF all the *ill News* you have sent me since the beginning of the late Revolution, none sits so close upon me, nor hath created such deep Thoughts of Heart within me, as the News of a new *Primate*, and a new *Bishop*; the old ones being living, and neither canonically heard, nor judicially deprived: A *Pro-* just utterly dissonant to all primitive Practice, to the *antient Constitutions* and *Canons* of the Church; and which, if not timely compromised, must necessarily beget, and perhaps unavoidably propagate a lasting *Schism* among us, *ad natos natorum, & qui nascuntur ab ipsis.*

2. The antient Cry was, *ἑὸς Θεοῦ, ἑὸς Χριστοῦ, ἑὸς Ἐπισκοπῆς*. *one God, one Theodor. lib. Christ, one Bishop*; answerable to that of the Poet, *ἑὸς Κοιρανῶ* 2. cap. 17. *Baruc. let there be but one King, one Supreme*; intimating, that it will be as fatal to the Church to have Bishop against Bishop, as for the State to have opposite Kings: The one ever fills a Nation with Bloodshed and Devastation, the other the Church with Faction and Sedition: The former ruins the Peace, and disturbs the Quiet of the Common-wealth, disposing it to most certain Anarchy and Confusion; the other ever confounds the Unity and Concord of Christians, till it turns the *House of God* into a *Den of Thieves*, and of a *Bethel* makes it a *Bethaven*: And if by either of these means we come once to be unsettled, and to have our corner Stone displaced, we may soon expect that Saying of our Saviour to be verified among us, that *an House divided against it self cannot stand*. Mark 3. 25. 1 Cor. 3. 4. This was the fate and sad condition of the *Church of Corinth*; some were for *Paul*, others for *Apollus*, and others again for *Cephas*; which at length raised such a Division among them, that, had not the *Apostle* come in 1 Cor. 4. 21. with his superintending Authority, the Church it self had probably been overlaid and stifled in its Infancy.

3. There might indeed be many *subordinate Ministers* and *Assistants* in a Church; some for bringing in new Converts, some for perfecting the old ones, all for the Work of the Ministry, and for the edifying of the Body of Christ; *Cornelius*, Bp. of *Rome*, reckons up under him, in his time, no less than * forty six Presbyters, besides seven Deacons, and

many

* *Euseb. Hist. lib. 6. cap. 29. Edit. Col. Alb. 1612.*

Flarf. 68.
S. 4.

Ep. 66.

Ep. 59. Cornl.
Edit. Oxon.

Ad Fral. c. 3.

Ep. 66. ad
Flor.

Ep. 33. lapsis.

Ep. ad Cor. 1.
cap. 44.

Lib. 3. cap. 3.
Basil. 1528.

Ep. ad Phila-
delph. cap. 4.

Ep. 43.

De unitat.
Eccles.

many other ecclesiastical Officers; Epiphanius tells us, that at *Alexandria* καθ' ἑκάστην ἐκκλησίαν ἑστὸς ἑστὶς ἐστὶν, to every Church there was an appointed Presbyter; but Bishop there could be but one, to superintend and preside over the Church: And therefore St. Cyprian tells us in his *Epistle ad Florentium Pupianum*, That a Church is *Plebs Sacerdoti adunata, & Pastori suo grege adherens*, a People united to their Bishop, and a Flock adhering to their Pastor; and that Heresies and Schisms therefore arise, quod Sacerdoti Dei non obtemperatur, because the Bishop is disobeyed, and not acknowledged to be the only Bishop, and the only Judge, for the time being, under Christ in the Church. Nay, Ignatius makes this union between a Bishop and his People so absolutely and indefeasibly necessary to a Church, that he will not allow it to be a Church without it; χωρὶς τούτου Ἐκκλησία ἐκκλησία οὐκ ἔστιν, without these (says he) Bishops; and their Clergy, there can be no Church of God, no Assembly of Saints, no Congregation of Christians: So doth the afore said St. Cyprian, scire debes Episcopum in Ecclesia esse, & Ecclesiam in Episcopo; you ought to know, saith he, that the Bishop is in the Church, and the Church in the Bishop; and that he who is not with the Bishop, is not in the Church. And again, ut Ecclesia super Episcopos constituitur, That the Church was to be founded upon Bishops; divina lege fundatur, and was a Sanction at first by the divine Law; and by the various Series of Time, and successive Ordinations, handed down to us. A Sanction designed by Christ from the beginning; for (saith St. Clemens) οἱ Ἀπόστολοι ἔμπροσθεν διὰ τὸ χωρὶς ἡμεῶν Ἰησοῦ Χριστοῦ, the Apostles having beforehand fully learned from Christ, that there would arise a Contention in the Church about the Episcopal Office, did thereupon constitute Bishops, & καθὼς ἐντολήναι δόδοικασι, and for the future ordered the Rule of Succession for them, that when they themselves, or the Bishops constituted by them, should happen to dye, ἑτέροις δόδοικαται, other Persons of approved worth might be substituted in their places. Irenæus confirms the same; for (says he) habemus annuere eos qui ab Apostolis instituti sunt Episcopi in Ecclesiis, & Successores eorum; we can name the very Men whom the Apostles made Bishops in several Churches, and the Successors of them, down to our selves; giving us thereby to know, that the Office of Episcopacy was as truly of divine Institution as the Apostolate itself.

4. And as there must be one Bishop, to head and unite the several Christians into one; so (if primitive Institution and Practice may umpire in the case) there ought to be but one single Bishop in one single Church, μία ὅρα παρ' ἑκαστῇ Ἰνσὺ Χριστοῦ, There is, saith Ignatius, but one Flesh of our Lord and Saviour Jesus Christ, one Blood of his shed for us all, one Bread broken to us, one Cup distributed; & οὐκ ἔστιν ἑκκλησία, & οὐκ ἔστιν ἑστὸς, but one Altar to a Church, and one Bishop. Deus unus, & Christus unus; There is, saith St. Cyprian, but one God, one Christ, one Church, one Chair, founded by our Lord; another Altar, besides that one Altar and Priesthood, cannot be erected. And again, Christ warneth and teacheth us in his Gospel, saying, there shall be one Flock, and one Shepherd; and can any man

man think, *aut multos Pastores, aut multos greges?* there can be in one place either many Shepherds, or many Flocks? The Bees, saith St. *Je* Ep. ad Rus. come, have their King, the Cranes fly after one; there is *one Emperor*, Mon. Edit. Basil 1565. *one Judge of a Province; singulis Ecclesiarum Episcopi, one single Bishop to one single Church.* Were there many Bishops of one City? saith St. *Chrysostome*, *μὴ πάλιν πολλοὶ ἐπίσκοποι ὄσιν; ἢ δαμῶς;* by no means. God, ad Philip. saith St. *Ambrose*, *singulis Ecclesiis singulos Episcopos*, hath determined to 1 Cor. 12. every Church one proper Bishop. It cannot be, saith *Theodores*, that many Bishops should be at one and the same time Pastors of one and the same Church. In 1 cap. ad Philip. Thus it was carefully provided against by the Fathers of the first Nicene Council, *ἵνα μὴ ἐν τῇ πόλει δύο ἐπίσκοποι ὄσιν*, That two Bishops should not be Can. 8. placed in one and the same City. The like determination was made in the Council of Constantinople, *μηδὲν τεῖναι ἐπίσκοπον κατιστάειν ἐν τῇ ἐκκλησίᾳ ἢ ἑνὶ πρὸς αὐτῷ ὄντι*, That no Bishop should be constituted in a Church where one that is alive, and had not voluntarily resigned, is presiding. Can. 16. And so it was also decreed by the fifth Aurelian Council, *Nulli viventi Episcopo alius superponatur, aut superordinetur Episcopus*; That no Bishop be ordained or placed over the Head of another, whilst that other is living. The like in the Cabilon Council, *ut duo in una Civitate penitus in uno tempore nec ordinentur nec habeantur Episcopi*, That two Bishops are not to be ordained and placed together in one and the same City at one and the same time. To this *Custom*, and particularly to the aforesaid Canon of the Nicene Council, Pope Innocent had respect, when writing to the Clergy of Constantinople, he says, *ὅτι οὐ πάλιν ὁ δὲ πατὴρ ὃς ὡμίλει τοιαῦτα τὸ ἐκ μὲν ἑνὸς ἑνὸς αὐτοῦ*, We never knew any such thing to be acted by our Forefathers, but rather forbid, that any should have power *ἐν τόποις ζῶντος Χριστοῦ ἄλλου*, to ordain another into the Place of one that is living.

5. And this of one Bishop (and but of one Bishop in a place) was a Rule so generally known, and so universally received in those early days of Christianity, that *Cornelius* upbraids *Novatus*, (that Father of Puritanes and pretending Gospeller, as he calls him,) for being ignorant of it, *ἵνα ἐπίσκοπος εἷν ἦται ἐκ καθολικῆς ἐκκλησίας*, that but one Bishop ought to be in one Catholick Church: As if it had been a Rule as necessary to be known and practiced for the well governing of the Church, and for keeping it in lasting Peace and Unity, as any one Canon throughout the Scriptures besides: And therefore St. *Augustin* (though it was his fortune to be ordained Bishop of Hippo whilst *Valerius* lived) would by no means suffer *Eradius* (and perhaps he at that time needed a Coadjutor no less than *Valerius* did) to be superordained upon him, because he then knew it to be an Act *uncanonical*; his Words are these: *Scio quod scitis & vos*, I full Ep. 166. Edit. well know what ye also know, that *Eradius* is a deserving Man, and every Paris 1531. way qualified to be made a Bishop; *sed nolo de illo fieri quod de me factum est*, but I would not have that done to him which was done to me; *nunc enim in corpore posito*, for I was made a Bishop with him whilst he was living, and save with him in the same See; *quod ergo reprehendum est*

in me, nolo reprehendi in filio meo; what therefore was reprobable in me, I will not have to be blamed in *Eradius* my Son; *erit Presbyter usque, quando Deus voluerit salutaris Episcopus*; he shall continue a *Presbyter* in the station he is, and when God will (by taking me away) he shall be a *Bishop*. Whence we may observe, 1. That he looked upon his being consecrated Bishop whilst *Valerius* his Father and Predecessor lived, to be an act reprehensible in him, and altogether *uncanonical*. 2. That afterwards knowing the *Canon*, he would not act contrary to it, by having *Eradius* superordained upon him, though his declining Age needed it, and both Clergy and People desired it. 3. That it was done at the Request of the Bishop of the Place, with the approbation of the *Primate* of the Province, and, as *Possidonius* relates the matter, *non tam succedere, quam Consensum accedere*; not to *dethrone* the former, (as now a days its done,) but to come into the *Copartnership* of the Bishoprick with him, and thereby to assist in his old Age, that the Affairs of the Church might not be suffered to run to Ruine by reason of his Infirmities and Inabilities: The only Case perhaps wherein two Bishops may be allowed in one Church; yea, and not then neither; (as *Gratian* makes out the Matter,) unless the infirm one particularly requests it; the Church rather chusing to bear the Infirmary of old Age in a Bishop, than to force an Assistant upon him, lest thereby *Opposition* should arise betwixt them.

De vitâ A. gus.
cap. 8.

Caus. 7. q. 1.
cap. 11.

Now the Reason of all this was to prevent the *Mischief* of *Schism*, it being impossible to have two opposite Bishops in a Church, without disturbing the Order, and destroying the *Unity* thereof: For if there be two opposite Bishops, there must be two opposite Altars, and two opposite *Communications*; each Bishop pretending against the other to be the true, catholic, and lawfull Bishop, to which the Flock ought to adhere. The first and true Bishop will doe what he can to keep the Flock from straying after the second and false one, who usurps upon him; and the Usurper on the other hand will endeavour to the utmost to draw them after him, and draw the Congregations of him over whom he usurps.

Thus when that wicked and turbulent *Novatianus*, the Author and Founder of the Schism, was ordained Bp. of Rome over the head of *Cornelius*, canonically placed there before: He pretended to be the true and rightfull Bishop, and (to strengthen his own Interest) would admit of none, if formerly of *Cornelius* his Party, to communicate with him, unless they would first solemnly swear to become ever after his. And therefore holding both their hands together, with the bread in his, *apostolice ius*, swear, says he, to me, that you will never forsake me, nor go back to *Cornelius*; and so delivering the Bread, the Communicant (instead of answering *Amen*, as the Custom was,) was forced to say, *non tibi dico, I will never return to him*. And as he was thus forward and active to begin a Schism at Rome, so he was no less sedulous to propagate it abroad; whereupon St. Cyprian (his Contemporary) reports it of him, That though there were Bishops already regularly ordained, and canonically

Euseb. Hist.
lib. 6. cap. 35.

Ep. 55. Asto.
2240.

constituted throughout all the *Provinces*, and the several *Cities* thereof, (reverable for Age, sound in Faith, approved in Trials and Persecutions;) yet he, *Super eos creavit alios Pseudopiscopos assus ost.* was so presumptuous and daring, as to create over them *Bishops* (*Falsc-bishops*) of his own; as if he were able by the discord he endeavoured to foment to over-run the Church of Christ, and to tear in pieces its whole ecclesiastical Frame. And indeed such footing it took, that *Socrates*, speaking of the *Scit*, tells us, that in the time of *Boniface I.* which was full an hundred and fifty years after, *μακάριος ἐν τῇ πόλει ῥόδου*, they mightily flourished at Rome, enjoyed many Churches, and had under them many great Congregations. *Soamen* speaking of them says, That though other *Sects* were generally short-lived, and soon decayed, yet *ἡ τῶν Νουατίων ὁρμή*, the *Novatians*, or they who had their rise from *Novatus*, because their Bishops were for the most part good Men, and they themselves held the *Catholic Faith*, *ἡ τῶν Νουατίων ἀρχὴ*, were numerous at first, and so continued to be.

8. Such a Mischiefe arose by *Meletius* of *Lycus* in *Egypt*, from whom the *Meletian Faction* took both its Name and Rise. He, quarrelling with *Peter* his Patriarch, the Bp. of *Alexandria*, for that he admitted the *Lops*, being then both in Prison together, and with them many other *Bishops*, *Ecclesiasticks*, and *Confessors*, (the same Quarrel that *Novatianus* fifty years before had with *Cornelius*,) took part against him; which *Peter* perceiving, and willing to try how the rest stood affected, threw his Mantle cross the Prison, crying out, *ὁ τῶν ἐμῶν τῶν ἐμῶν γνώμη*, they that are for me and my opinion, let them come hither, and they that are for *Meletius* let them go to him; which being done, *ἡ τῶν ἐμῶν τῶν ἐμῶν*, the company, saith *Epiphanius*, was divided, and the greatest number of them went to *Meletius*; and from thenceforth *ἐπὶ κατ' ἑκάστην*, *ἐπὶ κατ' ἑκάστην*, they parted Companies, and in acts of divine Worship kept their separate Assemblies: Nay, as soon as ever released out of Prison he, wherever he went, *καθίστα καθεύδοντες ἱερεῖς τὴν ἑαυτοῦ παρὰ τὸν Πέτρον*, ordained *Bishops*, *Presbyters*, and *Deacons* of his own, against the *Bishops*, *Presbyters*, and *Deacons* constituted before by *Peter*, and thereupon erected Churches for his own Faction; and so divided the Church, that each Party refused to communicate with the other; distinguishing their Assemblies (as the aforesaid Author has it) by an Inscription over their Church doors; those who followed *Peter* taking to themselves the ancient name of *ἐκκλησία καθολική*, the *Catholic Church*; and those who went after *Meletius*, *ἐκκλησία μαρτύρων*, the *Church of Martyrs*. Nay, though many of both sides were afterwards condemned to the Mines, *οἱ ἐν ταῖς φυλάξεσιν ἀλλήλους ἐξοιδαίοντες, ἢ κοινεύοντες*, they would not even there so much as communicate or pray together. A breach of so ill consequence to the Church, that being brought before the *Nicene Fathers*, they disabled the Bishops which *Meletius* had made, till confirmed by a more holy and warrantable Ordination; and as for himself, they confined him to his own City, *ἐν τῇ πόλει ἑαυτοῦ*, allowing him no power for the future to elect

Lib. 7. c. 30.
Edit. Col.
Alabr.

Lib. 2. cap. 30.

Epiph. ad Hæres.
lib. 2. T. 2,
Hæres. 68.

L.c. cit. cap. 3.

Secr. I. r. c. 6.

or to lay hands on any; declaring him to be such an Offender in the Case, that *ἐν τῇ ἀποστολῇ ἀπορροήσας ὑμῶν ἀπὸ τοῦ ἱεροῦ*, according to the rigour of Justice he deserved no Favour at all.

9. Such another *Schism* was that in *Africa*, begun at *Carthage* by *M. jorinus* his being made Bishop there, whilst *Cecilian*, the preordained Bishop, was living. The Promoters were few, (as *Optatus* observes,) two baffled Competitors, two or three sacrilegious Church-robbers, *potens & factiosa Mulier*, a rich, factious, and exasperated Woman: The Abettors not many more, (among whom *Donatus*, who gave name to the Faction,) all Traditors, and so incapable of ordaining others, or continuing in their own Orders: But though so despicable Insects at first, yet no sooner embodied and winged, but, like the Locusts in the Revelations, they soon overspread and covered the Land, filled all the Territories and places thereof; insomuch that in their Council at *Bagai*a you shall find no less than three hundred and odd Bishops of their brood: Nay, so numerous, that whereas formerly men were accustomed to blush and be ashamed of their Actions, there were none at that time, saith *Optatus*, to do it, *quia prater paucos Catholicos peccaverunt universi*; soasmuch as all were become Sinners, and all (a few Catholics excepted) Apostates from the Unity of the Church. A *Schism* that lasted near an hundred years; and might have continued much longer in the Church, had not the *patri Donati* (upon the death of *Parmenian* their Bishop) put two new ones, *Primianus* and *Maximianus*, together in the Chair at once, of whom Saint *Augustine* makes this Remark, that for any Worth or Excellency in them (other than to head a Faction) *Maximianus* might have been *Minimianus*, and *Primianus* might have been *Postremianus*. However this Bishop upon Bishop so divided and subdivided the Party, that it broke their Unity, and made as much Havock and Destruction in the *Schismatical*, as it had done before in the *Catholic Church*. Other Instances might be given, and always producing the like effect; as at *Antioch*, when *Paulinus* was added to *Meletius* without his Consent; at * *Rome*, when *Felix* was put over the head of *Liberius*; at † *Constantinople*, when *Asfacius* invaded the Throne of St. *Chrysostome*. In short, Ambition, Pride, and Interest will never want a Bishop for any See, or any Church: *Facite me Romanam urbem Episcopum*, make me but Primate or Metropolitan of *Rome*, (saith *Praxetarius*, that unbaptized Heathen,) and I will forthwith become a Christian; and if once a Bishop, he will soon have his Altar and Party; tho' as soon as ever he bein, he by his Separation and Schism will put himself out of the Church again, and turn as rank an Infidel perhaps as ever he was before.
10. Now this Unity of Priesthood and Altar was first commanded under the Law, as the only Preservative and Remedy against Schism in those days; and therefore God, to keep his People the Jews in one uniform way of Worship throughout the Land, appointed but one Altar, one Place of Sacrifice, and one High Priest; insomuch that to set up another

Advers. Parm.
lib. 1. p. 19.
Aug. contra
Parm. lib. 1.
cap. 3. Paris.
1679.

Cyp. Ep. 65.

Aug. cont.
Ep. Parm. l. 1.
c. 4. Edit.
Paris. 1531.
Cont. Parm.
lib. 1. p. 22.

Aug. lib. 3.
cont. Julianum.

Ep. 162.

Id. Ep. 50.

Socr. l. 5. c. 2.
* Theod. lib. 2.
cap. 17.
† Socr. l. 8.
cap. 23.

Hieron. ad
Pamach. adv.
error. Hierosol.
po. 2. p. 165.

ther *High Priest* against the *High Priest* already established, though of the Seed of *Aaron*, as in the case of *Manasse* against *Jaddus*; or another *Altar* against the *Altar* of *Jerusalem*, though built according to the *Pattern* of the other, as in the case of *Jeroboam*, was to multiply *Sin* as well as *Priests* and *Altars*; because *Ephraim*, as it is in *Hosea*, hath made many *Altars to Sin*, *Altars shall be to him for a Sin*. Nay, by this very *Strategem* it was that *Jeroboam* kept up the *Rent* and *Schism* which he had made between *Judah* and *Benjamin*, and the other ten Tribes of *Israel*: For, saith he, *If this People go up to doe Sacrifice in the house of the Lord at Jerusalem*, as of old, *then shall the heart of this People turn again unto their Lord*, even to *Rehoboam*, the *King of Judah*: Whereupon he made an *House*, set up an *Altar*, and thereunto consecrated *Priests* of his own; an action so infamous and criminal, that though God permitted him to keep the *Kingdom* to his dying day, yet he would scarce suffer his Name ever after to be mentioned, without an eternal Blot upon it, *this is that Son of Nebat, which made Israel to sin*: Yea, and so hatefull and provoking, that for that very cause, and that cause onely, the Lord rejected all the Seed of *Israel*, and afflicted them, and delivered them into the hand of Spoilers, untill he had cast them out of his sight. And to this *St. Cyprian* alludes, when he would beat down the like Practices among *Christians*; *quam inseparabile Unitatis Sacramentum*, how inseparable the band of *Unity* is, and how without hope, says he, they pull down the wrath of God upon them, who divide the Church, and by casting off their own *Bishops*, assume false ones to themselves, they may sufficiently be admonished from the Scissure made in *Israel*, by their making to themselves false Kings: God never ceased plaguing them till he sent them away Captives, and brought others into their room; and without doubt tanta Indignatio adversus illos qui Schisma faciunt, no less Calamity and Destruction will befall those who rend the Church, and by setting up new *Bishops* of their own, break the *Unity* of it.

11. Thus far then it is plain and evident, That in one Church or Diocess there can be but one Bishop at a time; and that if more happen to be placed therein, there will arise a *Schism*. Let us then once more, as the Prophet *Jeremy* adviseth, ask for the old Paths, and enquire for the old Way, and we shall find it altogether as evident and plain, that the first Bishop (if canonically placed in the See, was ever accounted the true and catholick, and the second the false and schismatical Bishop; and that the Church was ever adjudged to go along with those, who by a lawfull Ordination were first set up in it; and the *Schism* with those who were afterwards superinduced and clapt upon them. *Videndum est*, we are to observe, saith *Optatus*, who keeps Apostolical Succession, and who deserts it; *quis Cathedram sederit alteram, quæ ante non fuit*; who sits in a Chair that none sate in before, who it is that erects *Altar* against *Altar*; *quis Ordinationem fecerit salvo altero ordinato*, who ordains another when one was ordained before, who it is that falls under the Apostle's Saying, that

Ch. 8. v. 11.

1. Kings 12: 27.

2 Kings 17: 20, 21.

Cyp. Ep. 69. p. 182. Magna.

Ch. 5. v. 16.

Ad. Parm. l. 1. p. 18. Edit. Paris. 1679.

- 1 *John* 2. 19. that many *Antichrists* should go forth, because they were not of us. And again, We must be sure to observe, *qui prior Cathedra sederis*, who the first is that was placed in the Chair; *ut jam Schismaticus & Peccator, qui contra singularem Cathedram alteram collocaret*, for he is the Schismatick and Sinner, who erects another Chair against that single Chair. Hence was the Novatian Schism laid at the door of Novatianus, Cornelius being in the Chair, and first Bishop of the place. *Ecclesia una est*, the Church, saith St. Cyprian, is one; and if it be with Cornelius, who succeeded Fabian, and was first ordained, Novatian cannot be in the Church, neither is he to be accounted a Bishop thereof; *Evangelica & Apostolica Traditione contempta*, for in as much as he contemns the Evangelical and Apostolical Tradition, he succeeds none; *a seipso ortus*, but is self-begot, and self-raised.
- Ep. 69. p. 181. Again, Cornelius *factus est Episcopus de Dei & Christi ejus judicio*, Cornelius is made Bishop according to the appointment of God and his Christ; wherefore whosoever is made Bishop after him, *foris fiat*, must be without, and not of the Church; *qui post unum qui solus esse debet*, he that is made Bishop after one which must needs be alone, *non jam secundus est ille, sed nullus*, he is not a second, but no Bishop at all. The like was laid unto the Charge of Majorinus, who was by a set of Traditors ordained over the head of Cæcilian of Carthage; Whereupon, saith Optatus, in *Africa seu in ceteris Provinciis una erat Ecclesia*, there was but one Church in Africa, as in all other Provinces, till divided by the Ordainers of Majorinus: For till then *consecta erat Ecclesia*, the Church was thronged with People, the Episcopall Chair crowded, the Altar remained in its proper place, whereat St. Cyprian, Lucian, and many other peaceable Bishops before had ministered; but upon the unlawfull Ordination of Majorinus, *exitum est foras*, there was a going forth, and Altar was set up against Altar: And so manifestum est, it is evident and clear, *exiisse de Ecclesia & Ordinatos & Majorinum qui ordinatus est*, that Majorinus and his Ordainers, and not Cæcilian and his Followers, went out of the Church, and made the Schism: And therefore saith the same Optatus to Parmenian, one of the Successors to Majorinus, *video te adhuc ignorare*, I perceive thou art still ignorant, that the Schism was made first by your Leaders and Predecessors; *quæ harum originem rerum*, look but into the first beginning of it, and you will find that Cæcilian did not go out from Majorinus, but Majorinus from Cæcilian; neither did Cæcilian break the Succession by departing from the Chair of St. Cyprian, but Majorinus. And since so it was, it is evident *vos Heredes Traditorum & Schismaticorum*, that You and Yours are the Offspring of Traditors and Schismaticks; and not Cæcilian and his Party.
12. Nay, so far did this Priority of Ordination upon a due and legitimate Succession prevail, that it not onely null'd the Ordination of the superordained, but thrust both him and his Ordainers as well out of the Catholick, whose Rules they had broke, as out of the Particular Church, whose Chair they had invaded. *Episcopatum tenere non posset, etiamsi Episcopus prius factus*, He cannot, saith St. Cyprian, hold a Bishoprick, though

1 *John* 2. 19.
Opt. ad Parm.
1. 2. p. 35, 36.

Ep. 69. p. 181.
Mag.

Ep. 55. p. 104.
Antoniano.

Advers. Parm.
l. 1. p. 17.

Page. 23; 22.

lib. 1. p. 11.

Ep. 55. p. 112.
Antoniano.

he really a Bishop himself, who soever separates from the Unity of his Fellow Bishops, and thereby divides the Church; for in so separating he makes a Defection, and can no longer retain, *nec Episcopi Potestatem nec Honorem*, either the Power or the Honour of a Bishop. And again, Christ; Ep. 69. p. 182. such be, insinuating to us his desire of Unity, farther adds, There shall be one Flock and one Shepherd; and if one Flock, *quomodo potest gregi annuere*? how can he be accounted to be of that Flock who is not one of it? *Aut Pastor haberi quomodo potest?* Or how can he be a Shepherd there, who (whilst the true Shepherd is alive) succeeds none, but is self-created, and self set up; a perfect Enemy to divine Unity; not of the fold, inasmuch as none dwell there but who live in Unity and Concord? Nay, if he must be an Heathen man and a Publican who neglecteth to hear the Church, much more must they be so, *qui falsa Altaria, illicita Sacerdotia*, who seign to themselves false Altars, unlawful Priesthoods, unhallowed Sacrifices, corrupt and adulterous Titles.

13. It would almost amaze a man in these loose times to hear what hard language the holy Fathers bestow upon these unholty Persons, their Ordinations, their Altars, and their Oblations. As for themselves, they are described to be * *Peccatores, Schismatici, Adulteri, Extranei, Pseudo-episcopi, Fidei Prævaricatores, Ecclesie Proditores, Dominice Pacis ac divine Unitatis inimici, nemini succedentes, a seipso orti, nulli*; Sinners Schismatics, Adulterers, Outliers, Mockbishops, Falsifiers of the Faith, Betrayers of the Church, Enemies to divine Peace and Unity, succeeding none, from themselves proceeding, and in reality no Bishops at all; their Ordination * *contra Ordinationem Dei, contra Dispositionem divinam, contra Sacramentum semel tractatum divine Dispositionis & catholice Unitatis, contra Dei Traditionem, contra ecclesiasticam Dispositionem, contra evangelicam Pacem, contra Institutionis catholice Unitatem*; contrary to divine Tradition and Appointment, ecclesiastical Sanction, evangelical Order, catholic Institution and Unity. Their Chair *Carbena Pestilentia*, a Chair of Pestilence, that first infects, then kills, and sends to Hell. Their Altars * *falsa & prophana*, false and prophane. Their Sacrifices † *sacrilega, irreligiose & illicite contra jus divine Institutionis oblata*; sacrilegious, unlawfull, and affrontive of the divine Institution; The Schism occasioned thereby † *horrendum scelus, summum malum*, a most horrid Sin, the chiefest of Crimes; *pejus quam quod admisisse lapsi*, worse than the Sins of those that fell by offering to Idols; yea, and of so deep a stain, *nec sanguine abluitur*, that it is not to be washed out with the Blood of Martyrs; neither will their unity of Faith, or their being Confessors for it, excuse them from so foul a Charge.

14. In vain do they pretend to the same Religion, to the same Symbol of Faith, to the same Profession; what if they continue the same way of Worship, the same Mysteries, the same Rituals, and the very same Form of Ordination? What if they be chosen by the Suffrage of the greatest part of the People, accepted by the Majority of the Clergy, consecrated by

* Op. 1. 2.
† Cyp. Ep. 59.
† Ibid.

† Ep. 69.
† Cyp. de unit.
Eccles.

† Id. Ep. 443.
† Ep. 45.
† Ep. 55.
† Ep. 46.
Op. lib. 2.

* Cyp. Ep. 68,
& 69.
† Ep. 68.
† Aug. Ep. 162.
† Cyp. de unit.
Eccles.

Ep. 69. p. 183.
Magn. O. 183.

by a sufficient number of Bishops? Yet this (all this) will not atone, much less expiate for the uncanonicalness of their superordination, or for the irregularity and injustice of their Usurpation. *Quod vero eundem quem & nos; what if they believe with us,* saith St. Cyprian concerning the Novatian Schismatics, *in the same God the Father, in the same Son Christ Jesus, and in the same Holy Ghost? Nec hoc adjuvare tales potest,* yet even this will not profit such Prevaricators as they: for Corah, Dathan and Abiram, worshipped one and the same God, according to one and the same Religion and Law, as Aaron the High Priest did; *tamen quia loci sui Ministerium,* yet because they were dissatisfied with their own Station, and would have usurped the Priesthood, and laid aside Aaron, *neque potuerunt transire, & proficere Sacrificia,* their Sacrifices were abhorred, and their Censures made Memorials against them, that no Stranger (which is not of the Seed of Aaron) should ever after presume to offer Incense to the Lord. *Possumus & nos dicere,* we can say (saith Optatus to Parmenian and his Donatists) *Pares credimus,* We believe alike, and are sealed with the same seal as you; *We are no otherwise Baptized than you, no otherwise Ordained; We read the same Scriptures, say the same Prayers, have the same Ecclesiastical Discipline, the same Sacraments, the same Mysteries; sed scissura facta,* but there is a Scissure made by you, and that is your fault, and by you it must be amended, and made up.

Hom. 2 in Ep.
ad Eph. Edit.
Paris, 1621.

Nothing (saith St. Chrysostom) divides the Church sooner than the love of *Preheminence*, and nothing provokes God more than to have his Church divided; τι λεγεις η αυτη αληθεια, why do you therefore say, there is still the *same Faith*; and they are no less *Orthodox* than we. But if so, why are they not with us? ες τι ομιλετε, για τις ας βαπτισμα, there is but *one Lord, one Faith, one Baptism*, and if they are right, we are wrong; but if we are right, they are wrong; αληθεια εστιν ινους, do you think it sufficient they are *Orthodox*; whilst they overlook and pass by the right of *Ordination, its Priority and Order*? ουτως εις αληθεια, εως ουτως εαυτου αχρησται χρις, we ought certainly as much and as earnestly to contend for the *one* as for the *other*: And not without good reason too; for if every one may be ordained and made a *Bishop* in the Church, in vain was the *Altar* erected; the *Congregation* appropriated, and the *Priest* limited; every thing then must come to *Ruine and Confusion*.

15. And to no more purpose is the Eminency of their Learning, the Excellency of their Parts, their stout Defence of their Religion, or their Sufferings for it, pleadable in the Case: What if they have Wrote well, Preached well, Disputed well, Suffered well; been Banished, Imprisoned, Tormented? What if they have Converted some, Confirmed others, and (when the foundations of the Earth were shaken, and the Ark of God tottering) they were seemingly such that kept the one from being removed, and the other from falling. *Quisquis ille est, & qualiscumq; est, Christianus non est, qui in Ecclesia Christi non est*, whosoever, and how great soever he be, (saith St. Cyprian of *Novatian*.) if he be not

Ep. 55. P. 112
Antonino.

in the Church, a Christian he cannot be; *jactet se licet*, for though he prides himself never so much for his Rhetorick and Eloquence, though (like *Saul*) he appear for his Piety and Parts taller by the head, than the rest of his Brethren, yet since he retains not Brotherly Charity and Ecclesiastical Unity, *quod prius fuerat, amisit*, what soever he was before, he is now lost as to it all, and become no better than Salt that hath lost his favour. And thus the Apostle long before had decreed; *Though I speak* (saith he) *with the Tongue of Men* 1 Cor. 13. 1, *and Angels, and have not Charity; though I understand all Mysteries, and all* 2. 3. *Knowledge, and have not Charity; nay, though I bestow my Goods upon the poor, and give my Body to be burnt, and have not Charity, I am* (nay it profiteth me) nothing. Upon which words the aforesaid St. Cyprian thus discants, *Cum Deo vivere non possunt*, they cannot be with God who hold not the Unity of his Church; for though they suffer themselves to be thrown into the Flames, though they expose their persons to Wild and Savage Beasts, *non erit illi fidei Corona, sed poena perfidia*, they shall receive the denerit of their perfidy and unfaithfulness, but not the Crown due to their Faith; *occidit talis, coronari non potest*, such an one may indeed be slain, but he cannot be crowned; *Martyrdom* is always within the Church; *esse Martyr non potest, qui in Ecclesia non est*: Nay, it may be *Martyrdom* to suffer, rather than to divide the Church. Hence *Dionysius* writing to *Novatus*, *τὸν δὲ γὰρ ἡ πρὸς τοὺς τὰς ἐκκλησίας* *ἰσθῆναι*, Thou shouldest have suffered any thing rather than divide the Church: Neither is that *Martyrdom*, which is suffered for not divulging the Church, of less Glory than that which is suffered for not sacrificing to Devils; *καὶ τὸ αὐτὸ μὲν*, nay, in my opinion, it is far greater; For in the one, *Martyrdom* is suffered for one Soul, in the other for the Universal Church.

De Unit. Eccl.
P. 114.

Id. 113.

Eusebii Hist.
l. 6. cap. 46.

16 Being thus far advanced, and finding it no unprecedented Case to have Bishops set over the head of Bishops, it will be worth our pains to enquire how the Church resented them, what Communion they held with them, what Defence they paid them, what Honour they gave them. And I find,

17. That the whole College of Bishops, all the Christian World over (that went not out with them) ever rejected their Ordination; would neither Communicate with, nor be Communicated by them; neither send to, nor receive Letters encyclical from them. *Cum ad nos in Africam Legatos misisset*, when *Novatianus*, that new made Bishop, sent into Africa to us to be received into our Fellowship; we (saith St. Cyprian) with the advices of many of our Colleagues, returned him this answer, *se foris esse*, we a quoquam nostrum sibi communicari; that he was gone out from us, and therefore could expect no longer to continue a Communion with us. Neither did *Maximus* his Presbyter, or *Augendus* his Deacon (that first brought the news of his Ordination) scape much better; for *illicite & contra Ecclesiam Catholicam facta Ordinationis pravitate commoti*, being provoked with the irregularity of the Ordination, as being contrary to the usage of the Catholick Church, we forbade them (saith St. Cyprian)

Ep. 68. p. 177.
Stephano.

Ep. 44. p. 85.
86. Cornelio.

our

our *Communion*, and gave no other answer to their Embassy, than that laying aside all dissension and strife, they would consider what an *Impiety* it was to desert the Church their Mother; and how *Episcopo semel facto*, that after one Bishop was legally *Constituted* and *Enthroned*, another could by no means be superinduced, or put into the same Stall with him, *Lib. 2. p. 36.* *Damasus* (saith *Optatus* to *Parmenian*) succeeded *Liberius*, and *Siricius* (who is at present our Colleague and fellow Bishop) succeeded *Damasus*, cum quo nobis totius orbis commercio formatarum, in una Communionis Societate concordat, with whom, as with us, the whole Christian World by their *Communicatory Letters* continue in Society and Concord together, *Ep. 62. p. 140.* a favour never afforded to the *Donatists*. I own, saith *St. Augustine*, that I do write *ad nonnullos Donatistarum primarios*, to certain of the chief Bishops and Leaders among the *Donatists*: But it is to shew them their Errors, *privatas tantum qualibus vobis, uti etiam ad Paganos licet*; however they are private Letters, and such as are lawfull to send to Pagans; *non Communicatorias*, not Letters *Communicatory*, *quas jam olim propter suam perversitatem ab Unitate Catholica qua toto orbe diffusa est, non accipimus*; which by reason of their long obstinacy and perverseness, are denied them all the World over.

18. And no more kind were the Laitie to them; for they remonstrated against their Election, renounced their Precedency, would have nothing to do with their Altars, their Clergy, or their Oblations; nay, such an abhorrency they had of them, that they would into Banishment, into Death, rather than into Communion with them. Hence we find *St. Ambrose* in his Funeral Oration upon *Satyrus* his Brother, approving and commending him for that he avoided the *Luciferian Bishops*, their Churches and their Assemblies; for though desirous of the Holy Sacrament, *non ita avidus fuit, ut esset incautus*, he was not, saith he, so desirous of it as not to be careful from whose hands he took it; and therefore *advocavit ad se Episcopum*, he calleth first the Bishop that was to administer it, and asked him, *mirumnam cum Episcopis Catholicis conveniret*, whether he was not of those that were in Communion with the Catholic Bishops? *non enim paravit fidem esse in Schismate*; for he did not believe that a right Faith could be had in a wrong and Schismatical Profession. No less a Zeal may be observed in those more Honourable Ladies, and Worthy Matrons of Rome, when *Liberius* their Bishop was banished, and *Felix* put into his room, they, saith the *Historian*, perceiving the lukewarmness, or rather cowardice of their Husbands in the case, dressed themselves as became their Quality, went to the Emperor, and besought him, *αποδοῦναι τὴν πόλιν τῷ πάτρι*, that he would take pity upon the City, and restore to them their Bishop again; or at least give them and others leave to follow him; adding that though he had placed another over them, *ὁδὸς μὲν οὖν τῶν ἀρχιερέων τῆς Πατρὸς οὐκ ἐκείνην ἐπὶ τὴν ἀρχιερεῖαν οὐκ ἐστὶν ὁδὸς ὅτι αὐτῶν*; that neither they, nor any other of the Citizens would ever enter the Church whilst he was in it. And thus it was when *Asciacius* was thrust into the See of *Constance*.

Orat. in Fun.
Frat. Tom. 3.
p. 19. Edit.
Basil. 1567.

Theod. lib. 2.
cap. 17. Edit.
Col. Allob.

Loco cicat.

Ep. 41. Cyp.
Cal.

cree him excommunicated: As for *Augendus*, nec *Episcopum* nec *Ecclesiam* *cogitat*, he neither hath regard to his Bishop nor the Church, but confederates and combines with the other; and therefore let the same sentence pass upon him: & *quisquis se conspirationi ejus adjuxerit*, and as for the rest that go on in the Faction with them, let them also know, that they are not to communicate with us in the same Church. Now of these some were Clericks, as *Felicissimus* and *Augendus*; others Confessors, as *Reposus* and *Solassus*; others common Christians, as *Irene*, *Paula*, and perhaps *Sophronius*: from whence we may justly infer, that it is not the high Calling of the Clergy, the meritorious sufferings of the Confessors, the Simplicity and Plainness of the well-meaning Christian; no, nor the Trimming between both Parties, flattering the one, and holding Communion with the other, whilst they herd with the *Om-liers*, and be found in their Quarters, that will excuse them from the foul guilt of Schism, or the due Demerits of it. The Confessors at Rome were very sensible of this, *vidbamur quandam Communicationem cum Schismaticis & heretico homine habuisse*: We seemed, say they to *Cornelius*, to have held Communion with *Novatian* and his Schismatical followers; for we frequented their Assemblies, appeared amongst them in their Holy Offices of Religion, *sincera tamen mens nostra semper in Ecclesia fuit*; yet our Hearts and our Souls ever went along with the Church. We knew there was but one God, one Christ, one Holy Spirit, & *unum Episcopum in Catholica Ecclesia esse debere*, and that there ought to be but one Bishop in a Church. However *nos imposuimus passi sumus*, we cannot but say, we were imposed upon, and do heartily pray, *ut abolerentur, & de memoria tollerentur*, that those things may be forgiven and forgotten, and we received again into Communion with *Cornelius* our lawful Bishop. Such there were that could run with the Hare, and hunt with the Hounds, and such (without doubt) there will be amongst us; my Prayer is that their number may be but small, and (like the before-mentioned Confessors) they may soon see their Error and return.

20. But of all the Sinners in the pack, none more outrageously so, than the Ordainers and their Complices; those Bishops, I mean, that first dressed up the *Ape*, set him in the Chair, and bad God speed unto him: Hence, though Submission and Penance might reconcile the other Clergy, yet nothing less than utter Deprivation, and loss of their Sacerdotal Honour could atone for such. Of the three Bishops, saith *Cornelius* in his Synodical Epistle to *Fabian*, that ordained *Novatian*, *ὡς μὴ ἔτι πάλιν ἐπαγαγόντες αὐτὸν ἐν τῇ ἐκκλησίᾳ*, one of them repented and returned unto the Church, and we received them into Communion; & *ὡς δὲ ἡ ἀνομιὰ αὐτοῦ ἔτι λαμβάνει*, but no farther did we receive him than to the Communion of the Laity; and as for the other two engaged with him in the Ordination, we deposed them, and ordained others in their room. And so it fared with *Trophimus*, one of those forward Bishops that received and congratulated *Novatianus* in his Election; *suscipiens est Trophimus, Trophimus* upon his

Corn. ad Cyp.
Ep. 45.

Euseb. Hist.
lib. 6. cap. 33.

his repentance was *absolved* and *admitted*; but after all so *admitted*, *non Laici communicet, non quasi locum Sacerdotis usurpet*, that he must thenceforth *communicate* but as a *Laick*, and no longer as a *Priest* or *Bishop*. The severity of this Sentence came indeed afterwards to be more or less moderated, wherefore *Melchisedes* Bishop of *Rome*, to whom the cause of the *Donatists* was referred, would have none but *Donatus* himself, *quem totius mali principem inveneras*, whom he found, as *St. Austine* records the matter, chief *Autor* of all the mischief, to bear the burden alone; offering the rest upon their return to the *Unity* of the Church, the continuance of their *Bishopricks*, and his *Letters Communicatory*, though they had been ordained by *Majorinus* or any others in the State of *Schism*: *Ita ut quibus senng, duo essent Episcopi, quos dissenio geminasset*; so that in all places where the *Schism* had caused two *Bishops*, the prior ordained was to be established, and the second removed to some other vacancy: But then this was *Sanitatis recuperanda optio*, with desire and design to heal the Breach and make up the *Schism*. Thus again was *Firminus*, Bishop of *Istria*, admitted by *St. Gregory* without a deposition: But then this was 300 years after the *Schism* first commenced, and at a time when it was grown inconsiderable, the knot being broken almost 200 years before, inasmuch that some few scatterings onely were here and there remaining; however not without due caution for the future, for they were solemnly to swear, *se nunquam ad Schisma reversionuros, sed semper in unitate Ecclesie Catholicae, & communione Romani Pontificis per omnia mansuros*, that they would never thenceforth depart from the *Unity* of the *Catholic Church*, and, because more particularly belonging to the jurisdiction of *Rome*, not from the *Communion* of the *Roman See*. Such an Oath was not long after, as *Petrus de Marca*, in his *Book de Concord. Sacerdot. & Imp.* informs us, given to *Adalbernus* before his Consecration, by *Hinemar* his *Metropolitan*, *Privilegio Metropolis Remorum Ecclesie, ac ejus Presulis, secundum sacrosanctos Conciliorum Canones, & Decreta Sedis Apostolicae, ex sacris Canonibus & Legibus promulgata, proficere, & posse, absq; dolo & simulatione, vel indebita & pertinaci contradictione obedire profiteor*. I do promise from this time forward, to the best of my skill and power, without dissimulation and fraud, and all manner of wilfull contradiction, to be obedient to, and observant of, all the Rights and Privileges of the *Metropolitan Church* of *Rhemes*, of the *Arch-Bishop* thereof, as they are established and set forth by the *Holy Canons* of the Church; and by the *Decrees* of the *Apostolical See*, therewith agreeing.

21. An Oath much like that still in being, and hitherto tendered by the *Arch-Bishop* of *Canterbury* to all his *Suffragans*, at the Consecration of them; and it were to be wished, that such as have been Consecrated by him, or by any of his *Ancestors*, would seriously consider the obligation it lays on them; in reference to which, I make bold to propose two eminent instances; the one of *Ivo*, the other of our *English Bishops*. *Ivo Carnotensis*, one of the *Suffragans* to the *Arch-Bishop* of *Sena* (as *Petrus*

Cp. 55. p. 105.

Ep. 162. fol.
141. cap. 3.Greg. lib. 10.
Indict. 5. c. 37.
Edit. Paris.
1551.Greg. Ind. cad.
cap. 31.L. 6. c. 3. n. 13.
Edit. Paris.
1663.Form of Con-
fcr. of Bishops.

L.6.c.3.n. 14. *de Marca* relates the matter) was desired by *Hugo* Bishop of *Lyons* and Legate to the *Roman Pontife*, to assist him at the Consecration of the Bishop of *Niverna*, a *Suffragan* properly belonging to the said *Arch-Bishop*, without any consent or approbation had from him, or by whose appointment according to the *Canon* of the Church, he ought only to be consecrated: *Ivo* utterly refuses to give his assistance, answering, that if he should engage in such an *Ordination*, *reus fieret violatæ sponsonis, quam Sedi Metropolitanae fecerat*, he should become guilty of the breach of his *Oath*, made at his own *Ordination* to his *Metropolitan*. The other instance shall be in our own *Bishops*, in the time of *King William the Second*; and I take it from the *Author* of a Discourse concerning the *Illegality* of the late *Commission*, and for which he quotes *Eadmerus*; the case thus: *Aselm* *Arch-Bishop* of *Canterbury* was complain'd of by the *King* to the *Parliament*, with order to the *Bishops* his *Suffragans* to depose him, the *Bishops* sensible of what *Oath* they had taken at the time of their *Ordination* (instead of proceeding to a *Deprivation*) declared; they could not deprive him to whom they had promised *Obedience*. These things I propose to their considerations, and wish they would seriously apply them.

Page 17.

22. The nature of *Schism* being thus set forth, and laid at the doors of them that cause it; my next work shall be to show the *Heinousness* and *Injustice* of the present *Schism*; a *Schism* perhaps capable of as great or greater *Aggravations* than any that ever happen'd in the Church from the first rise of a *Schism* in it.

Acts 23. 16.

Hypoth. cont.
Dostat. Tom. 7.
f. 2.

23. It is not the manner of the *Romans* (saith *Festus* concerning *St. Paul*) to condemn any Man before that he who is accused have the accusers face to face, and have licence to answer for himself, concerning the crime laid against him; nor no more hath it been the manner of the Church: *Videmus que res cogit fieri Altare contra Altare*, let us examine (saith *St. Austin*) what first caused the *Donatists* to raise their Altar, *Si malus erat Sacerdos, deponendus erat ante, si non poterat deponi, tolerandus intra rese*; if *Cacilian* had been a *Traditor*, or done any thing else against the *Canons*, meriting a *Deposition*, he ought to have been deposed before another Bishop had been put upon him; but if he were guilty of no such thing, he ought to have continued sole Bishop there; *non iudices confederunt, non Sacerdotes de more*; There were no *Bishops* (as usual it was) to hear and judge the matter; no *Accusers*, no *Witnesses*, no *Libel* whereby his crime might have been made out; but instead thereof, *favor, dolus, tumultus, qui regnant in falsitate*, nothing but *Fury*, *Fraud*, *Tumult*, which ever rule in a bad cause. Now-a-days (saith *Pope Innocent*, in reference to *St. Chrysostom*) *αὐτὸ τὸ πρῶτον τῶν ἐκκλησιῶν ἐξοστράκισμα ἐστὶν ἰσχυρὸν*, The *Innocent Bishops* in a very preposterous manner are thrust out of their Churches, for others to be put into their places, having neither their crimes heard, nor they so much as summoned to defend themselves: A proceeding so novel and unjust, that we never knew it practised by our fore-Fathers, but rather forbad, *ἐπιτιμῶν ἐστὶν ἐκείνων ὁ δὲ δόγμα*

Sozom. lib. 8.
cap. 26.

for as much as he cannot be a Bishop that is put over another, unless he be *deposed* by due process of Law: And so it was determined by the *Fathers* in the *Constantinopolitan Council*. We hold it necessary (say they) for the avoiding of contentions, and tumults in the Church, to decree, *μηδεν τρητον επισκοπον κατασταναι*, That none be made a Bishop in a Church where another presides, and retains his Honour; for though he may be every way faulty, and justly deserve *deposings*, *χρησθαι προτερον, την αιτιαν τε μάλιστα* the Cause ought first to be heard, and his Crimes thoroughly examined; and if upon that he be *deposed*, *επειτα αν αυτου*, then may another, though he do survive, be ordained, and placed in his Chair. But to pass Judgment against any, without citing or hearing the Party accused, is a procedure, saith St. Chrysostom, *εως πρινς ακουσθαι*, without *President*, and contrary to Law and Canon; never practised either by the Heathens or Barbarians in their Judicatories; *ουδεν αυτου ε, Σαμαρειται, και παλαιστικων*, nay, the very Scythians and Sarmatians, the most uncivilized Nations of all, never were so unjust, cruel, or unreasonable.

24. Now the Judgment of these matters in the more early and purer days of Christianity, was altogether referred to *Episcopal Audience*; *επισκοπον καθυποχρηναι κριτειν, καλεσθαι αυτον δεσποζων υπω των επισκοπων*. We hold it necessary, saith the Canon, That Bishops should be conven'd and judg'd by Bishops; and so the Carthaginian Fathers decree, *το ε, συνη, μηδεν περιτροπαι επισκοπον υπω πασης, κληροδοτ. Σωδου*. That the faults of Bishops be discussed and determined by a Synod of Bishops; or if a full Synod cannot be had in time, and it appear necessary that the Criminal be try'd, *μη ιαστοριαν ησαι των δωδεκα*, that then his Cause be referred to twelve of them at least. And so far did this Canon prevail, that because John Bishop of Amasus was *deposed* by fewer, his *Deposition* was declared, as Balsamon relates, *ακυρον ηναι*, to be invalid and void. And for this end (that matters arising, and Controversies between Party and Party depending, might timely be decided) it was farther provided by the first Canons, *δωδεκιν εν ετος συνος, γινωσκων των επισκοπων*, That yearly twice in a year such *Episcopal Synods* should be held; afterwards *δια την σωτηριαν ε, τα εθνη ε, αναληματα*, by reason of the great fatigue expences and dangers they were put unto by their journeys, that they should be, *απαξ εν ενιαυτω*, but once in the year.

25. Neither did the Emperors by becoming Christians alter the case; for either they left the Judgment wholly to the Bishops, as was formerly done, or if they *interposed*, it was ever in conjunction with them; taking their advice, and oftentimes their directions from them. Thus when the Donatists petitioned Constantine the Great, to grant them an hearing of the case between them and the Cæcilianists, *he, quia non est ausus de causa Episcopi judicare*, because he did not think it proper for him to sit Judge over Bishops in Episcopal matters, sent them to Melchisedes, Bishop of Rome, and to three other Bishops from France, Rheims, Marinus, and

In Temp. Soph.
Can. 16.

Pallad. de vita
Chrys. p. 22.

Apos. 74.

Blasf. Synt. tit.
Δ in Can. 12.
ex Edit. Brv.
165.

In præd. Can.
ex Edit. Brv.
165.

Can. Apof. 37.
Con. Nic. 51.
Ant. 20.

Can. 6, 8, 7, 6.

Aug. Ep. 165.

- and *Maternus*, to be judged by them: But no ways satisfied with their judgment, they desire a farther hearing, whereupon he, *omnino cupiens* *ramam impudentiam cohibere*, willing to restrain and suppress so great an insolency, *dedit aliud Arelatenſe Concilium*, granted them another Synod at *Arles*; adding that it was not for him, *ut de judicio Episcoporum, qui Romæ sederunt, ipſe judicaret, to judge of the judgment passed by the Bishops at Rome*: But not yet contented, because condemned as before, they appeal to *Constantine* himself; *ut causam Constantinus audiret*, that he would be pleased to take the judgment upon himself; and in some measure he did, but (as Bishop *Parker* observes) it was not to judge, but to expose the *Schismaticks*, or to suffer them to expose themselves: For that he would not meddle with the business at all, till he had the discovery of *Ignatius* his forgery in his pocket, to confound them with. And *St. Ambrose* by his charitable wish seems to insinuate something like it: *Utinam ut eis ipſe ceſſit, ut de causa Episcopos judicaret*; would to God, saith he, he had accepted their Appeal, and had judged the matter after the Bishops, *à sanctis Episcopis veniam petiturus*, though he had excused himself afterwards for his so doing. An undertaking that he ever declined and protested against, *quoties à me improbiſſimis additionibus suis sunt condigna responsione oppreſſi*? How often, saith he, have they been repulsed by me? Which if they would but have considered, they would never have desired me to be their Judge. I say, and I say the truth, *Sacerdotum judicium ita debet haberi*, the judgment of Bishops ought as much to be regarded and followed, as if *Christ* himself had sat in judgment with them; neither was this the opinion of *Constantine* only, but of all his Christian Successors. I shall instance in *Valentinian* only (though the same may be verified of *Constantius*, *Valentinian* the younger, *Theodosius*, *Gratian*, *Arcadius*, *Honorius*, *Justinian*, *Martian*, &c.) he was, saith *Sozomen*, a very Orthodox and devout Man, *πῶ τὸ ἐπιστάλει τοῖς ἱεροῖς μὲν, μὴ τὸ ἀλλὰ διατάττειν κατὰ τὸν νόμον τοῦ Θεοῦ ἐκκλησιαστικὰς διατάξεις*, and would not suffer any thing to be innovated nor imposed upon the Bishops, that was any ways contradictory to the Laws and Canons of the Church: One of his Edicts, as it is given us by *St. Ambrose*, runs thus, *In causa fidei, vel Ecclesiastici Ordinis, cum judicare debet, qui nec manere impar sit, nec jure dissimilis*; they, and they only are to be deputed Judges over Ecclesiasticks who are of the same Order, and therefore to be presumed the most competent Judges because most knowing in those Affairs: *Hoc est, Sacerdotes de Sacerdotibus voluit judicare*; that is, as *St. Ambrose* comments upon it, he would have Bishops to be the only Judges of Bishops: An Authority, though partly Temporal, yet of that nature, that instead of laying waste the Church, of supplanting the Bishops, or of subverting the Canons, it became a real defence and patronage to them all; and no sooner experienced, but was as frankly and freely consented to, in reference to the succeeding Emperors. *Placuit ut quicunque, ab Imperatore*, it seemeth good, say the Bishops in the *Milvian* Council, that if any shall appeal to the Emperor to have

A. G. Ep. 162.

Reland Royal.
Part 1 p. 299.

Ep. 162.

Const. Ep. Cath.
int. gest. pur-
gationis, vid.
Optat.

Hist. lib. c. 20.

Lib. 5. Ep. 32.

Gen. 19.

his Cause tried before *Secular Judges*, he be deprived; but if he appeal to have an Hearing thereof before a *Synod of Bishops*, it shall no ways *displeas*. Thus did Pope *Innocent* address himself to *Honorius*, to have the Schism between *St. Chrysostome* and *Asciacius* ended: First he writes to *Theophilus* (that great Promoter of it) to challenge him to a Council, *We cannot*, saith he, *either in Reason or Justice withdraw our selves from Chrysostom's* *Pallad. de Vill. Chrys. c. 3. p. 24* *Communion, and therefore if you dare abide by the Judgment you have made of his Deposition, ἀναστρέφειν τῇ γὰρ τῆς ἐκείνου Συνόδου, make your Appearance before the next Synod.* And after that he, with the rest of the Italian Bishops, sends to *Honorius*, that he would write to his Brother *Arcadius*, Co-Emperour with him, that a Council for that end might be convened, where both *Eastern and Western Bishops* might conveniently meet; which *Honorius* accordingly did, sending his Letters by five Bishops, two Presbyters, and one Deacon, assuring him, That if either he or his Bishops could satisfy them that *Chrysostome* was duly and justly deposed, he (for his part) would withdraw all *Communion* from him; but if not, that he then hoped *He* would be prevailed with to desert their *Communion*, and their new made *Patriarch*. Whence it is obvious to infer, 1. That where two Bishops are placed at one time in a *See*, a Schism must necessarily ensue. 2. That *Synods onely* are the Deposers of Bishops, and the onely Judges of a Deposition. 3. That neither *Emperour, Senate, Privy Council, or Secular Power* whatsoever can do it, without making a Schism. 4. That still a *Synod* be called, and hath determined the Matter, the first must be accounted the *Lawful Bishop*, and the second, with his *Adherents*, the *Schismatick*. 25. And as this was the Usage, Practice, and Custome of all foreign Churches; so it was one of those ἀρχαῖα ἔθνη, those *ancient Customs* that the *English Church* hath observed. *Ego Constantini, vos Petri Gladium habetis in Manibus*; 1, saith *K. Edgar*, (as cited by *Twissden*,) wear the Sword of *Vind. Chur. Constantine*, and you of *St. Peter*: Now how far the first exercised his 2. p. 94. Authority in reference to the case before us, is already shewn; and if *K. Edgar* went no farther, we are sure there was no seizing upon Bishops, or of putting others into their Bishopricks, before they were heard and condemned by Bishops. Indeed the Author of the Discourse concerning the *Illegality* of the late Ecclesiastical Commission, tells us, That P. 11, 12. the *Saxon Laws* are a plain Evidence that *Church Matters* were in those times determined in the same Assemblies wherein the other Laws of the Kingdom were determined; and I am apt to think that in a great measure they were: But then, as the learned *Spelman* observes, *Episcopi jura Glof. Tit. Gl. divina enuntiabat, Comes secularia, alter alteri auxilio*; the Bishops declared a *mos* and vindicated the Ecclesiastical Laws, and the Nobles the *Secular*, each supporting and assisting the other; the one according to the *Canons* of the Church, and the other according to the *Municipal Laws* of the Land. Nay, I cannot see, but in some cases their actions might be separate; sure I am that in the Synod held at *Bacanceld*, and in that other soon after held at *Clovesho*, for the restoring the Jurisdiction of the *Metropolitan See* of *Canter-*

Spel. Conc. in
Ep. Kennul. ad
Lion. 3.

Conc. Brit. an.
1092 803.

* Spelm. anno
1070.
† Antiq. Erit.
de Sigand.

Spelm. anno
1070.

Mat. Paris Hist.
Ang. Edit.
Lond. 1640.

Spel. an. 1070.

*Canterbury to its Archbishop, of which it had been despoiled by K. Offa, & contra Canones & Apostolica Statuta in duas scilicet Paræchias, and contrary to all Canons and Constitutions Apostolical divided into two, and in part given to Adulphus his Favourite, there was none of the Laity in them, no Earls, no great Men of the Nation; the one being held (as we see in Spelman,) Prasidente Kennulfo Rege, by the King, Archbishop, Bishops, and Abbats, & multis aliis idoneis personis, and many other (not great Men, or Nobles, but) sitting persons; the other ab Atbelardo Archiepiscopo, cum duodecim Episcopis & priori Clero, by the Archbishop of Canterbury, and twelve other Bishops, with the chiefest of their Clergy, as may appear by their respective Subscriptions, and Spelman's Notes upon them; adding this severe and terrible Denunciation, (Hear oh Heavens, and give ear oh Earth!) Siquis, quod omnino absit, If any one, which God forbid, shall at any time hereafter presume against the Apostolical Precepts, and this our Determination, Tunicam Christi scindere, & Unitatem ejus Ecclesie dividere, to tear the seamless Coat of Christ, and thereby to divide the Unity of the Church of Canterbury, sciat se esse aternaliter damnandum, let him know that (if he repents him not of that his fault) he shall be eternally damned. But be it so or not, as the Authour avers; yet in this we shall not much dissent, that K. William I. having brought England under the power of his Sword, separated Judicatures, referring, as it was in Constantine's days, Ecclesiastical Matters to Ecclesiastical Judges. Thus in a Council held at Winchester, he himself being present, with three * Legates from Rome, totius Cleri populum, the whole Synod of the † Clergy, after they had heard divers things objected against Sigand, then Archbishop of Canterbury, eum Episcopatu & Ordinibus abdici- bant, deprived him both of his Archbishoprick and his Office: The Crimes were chiefly these, quod Archiepiscopatum, Roberto vivente, neque amoto, possidisset; because he had possessed himself of the Archbishoprick, Robert the Archbishop being alive, and not deposed, and had worn the Pall which he left behind him, being by Force most unjustly driven from thence: Crimes every way deserving Deposition, and (because done by a Synod) justly so punished; and if Crimes then, they are and must be so now, let Sigand and his Party think what they will. At the same time, and by the same Synod, was Agelmar, Bishop of the East Angles, deposed; but whether so justly or no, I shall not determine: And a little after Ulfstan (the good Bp. of Worcester) was by a Synod held at Westminster under Lanfranc in like manner deposed; and (God wot) for Grounds in- considerable enough, quia Linguam gallicam non noverat, onely because he did not understand the Norman Language; which methinks to me is much the same as if at this day Depositions were to proceed against our Bishops, because they do not understand the Lingua of the Dutch. And at this rate, for ought I can find, all future Affairs were managed, to K. Stephen's days; onely the Conquerour, nonnullos tam Episcopos quam Ab- bates, deposed several, both Bishops and Abbats, as Conquerors use to do*

da) quos nec Concilia nec Leges Seculis damnabant, whom neither the Synods of Bishops, nor the Laws of the Land had pronounced guilty. And thus he did, not minding the Irregularity or Injustice of the Proceedings, sed ad confirmationem sui quod noviter acquisiverat Regni, but that he might settle and confirm himself in the Possession of that Kingdom which by his Arms he had newly acquired. In K. Stephan's days, if Dr. Brady be not mistaken, the Canon Law and Lawyers were called into England; and no one need to doubt, whilst that lasted, and was esteemed good Law among us, that either the Churches Rights, their Synods, or their Judicatures were invaded. We read indeed of some * that were imprisoned, of others † that were proscribed, of others ‡ that had their Bishopricks seized and their Goods confiscated to the King's use; but of none, as I can find, deposed without a Synod. There was indeed an Attempt not long after, as Matthew Paris and Dr. Brady relate the matter, much of a like nature, against one Adomar, alias Athelmar, the King's Brother, elect of Winchester: He, say they, was not onely forced by the Nobles to quit the Kingdom, but the King himself was so far wrought upon, that he not onely seized his Temporalities, but judged his Bishoprick void; yea, and suffered Henry de Wenghan his Chancellour to be chosen in his stead: But then Adomar all this while was no more than elect, never consecrated Bishop; and though no more than so, yet the very Election of another seemed so irregular to Henry that was chosen, that he refused it, because it was litigiosa & incerta, litigious and uncertain: Neither would the King yield unto it, but with a Salvo to his Brother's Right; namely, Si Frater suus Athelmarus praelectus, that if the praelect his Brother had or should obtain his Consecration from the Pope, to whom he had applied himself, as it was customary in those days to do, ipsemet pra omnibus aliis fieret in eadem Ecclesia institutus, he should be first instituted. Nay, when the Communitas Anglia, the Comites, Proceres & Magnates, the Nobles and the great Men of the Nation supplicated the Pope that he might be put from his Administration, they used his Non-consecration for an Argument; Et certe, clementissime Pater, hoc satis credimus sine scandalo faciendum, cum non sit in Episcopum consecratus; For this, most holy Father, we are well assured may be granted us, seeing he is not as yet consecrated; thereby intimating and conceding, that if he had not been consecrated, it could not by them, nor any other, without eminent Scandal, be desired, much less effected. And if we may believe the History of the Reformation, this lasted for Law amongst us, till Henry VIIIth's day; neither would he in any wise suffer an Everſion of it, nor so much as a Purgation, farther than of those Canons onely that were repugnant to the King's Prerogative Royal, and the known Laws of the Land; as certainly those ancient Canons touching Synods and Ecclesiastical Jurisdiction were not, as being in use (even in England) long before the Italian Bishop, or his encroaching and usurping Canons were received.

Compl. Hist.
p. 216. Edit.
1685.

* Ibid. p. 213.

† P. 481.

‡ P. 479.

Hist. Ang.
p. 982. Comp.
Hist. p. 635.

Mat. Par. Ad-
dit. p. 217.

Burnet, part 14
p. 330.

Stat. 25. H. 8.
c. 19.

Apol. Courts
Eccle. part 1.
ch. 14.

25 H. 8. c. 19.

Hist. Ref. vol. 2.
l. 3. p. 330.

Hist. Edw. 6.
Edi. 1670.

Præf. ad Ref.
Leg. Eccle.
Edi. 1640.

Tit. de Depr.
c. 1.

Cap. 2.

Tit. de Appel.
c. 11.

27. Neither did the *Reformation* innovate in this matter; for by a Pre-
amble to a Statute, cited by *Cosins*, we are told, that the People of this
Realm have bound themselves, by long Use and Custome, to the Obser-
vance of certain *Laws*, besides those which were ordained in this Realm
(meaning the *Canon Laws*) as to the *accustomed Laws*; and that such *Laws*
were originally established, as *Laws* of the same by the *Sufferance* of
Kings, and by the Consent and Customes of the *People*. And because
some of those *Laws* were *onerous* to the King and his Subjects, Power was
granted to the King by another Statute to nominate and assign two and
thirty Persons (whereof *sixteen* of the Clergy) to view, examine, and by
the King's Signature to establish all such as they should think meet to be
established, not being contrariant to the *Laws* of God, to the *Laws* and
Customes of the Realm, or to the Damage and Hurt of the Preroga-
tive; continuing however the aforesaid *Laws* and *Canons* in use and vi-
gour, under the aforesaid Proviso and Restraint, till either the *Review*
be made, or it be otherwise ordered and determined. This *Cranmer* of-
ten pressed to have been done, saith the Historian, but he could never
obtain it during that King's Reign, insomuch that all things remained as
they were. In the 5th Year of K. *Edw. VI.* the Design was set on foot
again, and the Act renewed, and accordingly (saith *Heylin* in his *Eccle-*
sia restaurata) the King directed his Commission to Archbishop *Cranmer*,
and others, and afterwards appointed a *Sub Committee*, consulting, saith
the Author of the Preface to the Book called *Reformatio Legum Ecclesiasti-*
carum, of two Bishops, two Divines, two Doctors of the Law, and two Com-
mon Lawyers, to prepare the Work, and make it ready for the rest, that
it might be dispatched with the more Expedition. By them, saith *Hey-*
lin in the aforequoted place, the Work was undertaken and digested, fashio-
ned according to the Method of the Roman Decretals, and called by the Name
of *Reformatio Legum Ecclesiasticarum*. *Nec dubium quin Parliamentari*
etiam Autoritate eadem Sanctionis ista constabunt. And no doubt, saith the
same Prefacer, the Decrees had been established by Act of Parliament, and
made the standing Law of the Land, if it had pleased God that the Life of the
King had been continued but a little longer. However it was not so imperfect
an Embryo, nor altogether so unhapen, but we may easily discern what
Features it had, and of what Complexion it would have been; and more
particularly as to the Case before us, Deprivation is declared to be an Ec-
clesiastical Crime, *inter poenas ecclesiasticis legibus constitutas*, and liable to
the Punishments assigned by the Ecclesiastical Laws; and thereupon it or-
ders that a Bishop in *amittendi status sui periculum venit*, that falls under
the danger of being deprived, be referred to the Archbishop and two o-
ther Bishops, deputed thereunto by the King, *qui judicium exercentur*,
who shall have Power and Authority to hear and determine the said Cause.
And in case of Appeals it is farther decreed, that they may be made from
the inferior Courts to the Bishop, from the Bishop to the Archbishop,
from the Archbishop to the King, *quo cum fuerit causa devoluta*, which

if once brought thither, it is then to be transmitted, *si gravis sit causa*, if it be a matter of great concern, to a Provincial Synod; if of a less, to three or four Bishops, appointed thereunto to put a final End unto it; a Method purely antient and primitive: and if any other were practised whilst these Constitutions were framing, it was certainly contrary to the Designs of the *Reformers*, and perhaps no more justifiable than the Sacrilege, the filling of Ecclesiastical Places with *Lay Persons*, or the Bishops taking *Commissions* for the Exercise of their *Spiritual Offices* was, and which I think no Clergyman that at this day wears a *Cassock* in England will advocate for. However since the designed Book was never admitted, and no Review made thereof from that time to this, I cannot see but what *Dr. Heylin* hath asserted must hold good; to wit, That all the said *Canons* and *Constitutions* (so restrained and qualified as above) must still remain in force, as of old they did; and so we leave the Matter for the present.

Hist. Edw. 6.

P. 19.

28. And indeed a *State Deposition*, whatsoever noise it makes in the World, or how much soever it pleases the Ears of some, is but a *novel* and *wicked Invention*. If Bishops, saith *St. Clement*, be once constituted and approved of by the *Church*, and it appears that they have been faithful in their Office, constant to their *Ministration*, and for the time past well thought of for their *Episcopal Qualifications*, τὸν δὲ δυνάμει τοῦ ἐκείνου ἀρεσβάζει καὶ ἀνέστηλας, we cannot (if such as these be laid aside) but look upon it as a piece of great *Injustice*; neither will it be a *small Crime* in us, ἐὰν τοὺς ἀμύνηται καὶ οὐκ ἀποστρέψωμεν τὰ δόξα, if they continue piously and blamelessly to offer up their *Oblations* for us, to turn them out of their *Bishopricks*. A thing never heard of in the *Church* for many Centuries of Years: But if at any time the Bishop became so irregular as that the *Church* would no longer endure him in his Office, they *deposed* as well as *deprived* him; and reduced the first Bishop into a Layman before they advanced the second to his See; and probably upon this very account, to prevent the Inconvenience to which a *State-Deprivation* is subject, of having two Bishops pretending to one See at once. Nay, saith *Chrysostome*, καὶ τὸ τοῦ κληρικῶν τὸ ἐξουσίαν, if such Proceedings prevail, and it once become lawfull to invade and usurp another's Bishoprick, καὶ ἐμβαλεῖν ἢ ἐν ἐξουσίᾳ, and to cast out what Bps. they please for their own Interest and Humor, καὶ ἐπὶ πάντα διχόνοια, all things will speedily run to ruine, and the whole Christian World, πάντα πάντα τὴ βασιλείαν καὶ βαλδοφίαν, by the casting out of some, and the being cast out by others, be turned upside down. An *Arian Constantine* may then deprive all the Orthodox, and fill the Church with that Doctrine; *Mahomet* may pull down the *Cross*, and its Followers, and set up the *Half-moon* and his *Musselmens* in their stead. The long *Parliament* must not be thought to have done amiss, when they cast off not some but the whole Order of Bishops; nor the Usurper *Cromwell* the C. L. Asses that were got into their room; a Matter of such fatal consequence to the Church, that the divine *Hosius*, understanding that *Constantine* was

Ep. ad Cor. r.

C. 44.

Pallad. p. 20.

de Vir. Chryf.

Athan. Ep. ad
solitar. Vic.
Edit. Commet.
1600.

putting it into practice against the Bishops that would not subscribe to his *Arianism*, (and in my opinion *Socinianism* and *Arianism* are not much better,) steps in on the behalf of the *deprived*, giving the *Emperour* to know, that it belonged not to him to exercise such an Authority over the Church; *πῶσα δεκαλῶ*, I beseech you, says he, leave off these Attempts of yours, and remember, that though you be an *Emperour*, you are not *immortal*; dread the Day of Judgment, and keep your self unspotted against that day; *μὴ τίμην σεαυτοῦ εἰς τὰ ἐκκλησιαστικά*, intermeddle not with *Ecclesiastical Affairs*, neither command us therein; but rather take your Direction from us: For God hath committed the Care of the *Kingdom* to you, and to us the Care of his *Church*; and as he who invades the *Kingdom* contradicts the divine Ordinance, so be you careful that you draw not into your Jurisdiction the things of the *Church*, lest thereby you draw Guilt upon your self; Give, as it is written, unto *Cæsar* the things that belong unto *Cæsar*, and unto God the things that belong unto God, *ἀλλ' οὐ τοῖς ἡμῖν ἀρχαῖς ἐστὶν τῆς γῆς ἔξουσιαν*, ἐπὶ οὗ τὸ θεοῦ ἐξουσίαν ἔχει, for it is neither lawfull for us to meddle in the Affairs of the *Empire*, nor for you to meddle in the more sacred Affairs of the *Church*. A Power certainly never designed by Christ, since it is so *affrontive* to his *Insurrection*, and so *destructive* to his *Church*: However I would fain know of these *Latitudinarian Statesmen*, who are so zealous to advance it among us, 1. Whether, since *Christ's Kingdom* is not of this World, the *Kingdoms* of the World must have such Power in and over it, as to *deprive* it and its *Bishops* of a Being and Existence in the World? 2. Whether a Lay-Power (purely such) can operate upon *Spiritual Persons* in Matters purely *spiritual*, so far at least as by their *secular Laws* and Sanctions to dissolve that *spiritual Union* that Christ hath made between them and their *Church*? And whether it be not as *absurd* in them to attempt it, and as great a *Nullity* in itself when effected, as if the States of *England* should make *Laws* and enact *Penalties* for the States of *Holland*? 3. Whether if the State hath such a Power to *deprive* a *Bishop* of his *Church*, as they have put *John* upon *William*, they may not put *William* upon *John* again, and at length *Jack* *Presbyter* upon both, as already they have done in *Scotland*? 4. Whether the new made *Bishops* be not as much to be accounted *State made*, as the other *State deprived*? 5. Whether the *deprived Bishops*, remaining *Bishops* of the *Catholick Church*, as they are pleased to say they do, they do not remain *Bishops* in and of the *Church* of *England*, since that is a part of the *Catholick Church*? 6. Whether, if still *Bishops* in *England*, there be not two *Bishops* in a *Church* at a time, from whence *Schism* of course must arise?

29. Neither is this the *only aggravation* of the present *Schism*, that *Bishops* of an *indisputable Title* (without being either previously heard, or judicially sentenced) are *deprived*; but that the *Primate* of all *England* is one of those *Bishops*. The *Canon* is alike against multiplying of *Metropolitans* in a *Province*, as of multiplying *Bishops* in a *Diocese*; *Statutum*

est, it is ordained, saith *Gratian*, referring us to the twelfth Canon of
 the Council of *Chalcedon*, *quod duo Metropolitani in una & eadem provin-* Dist. 101.
cia esse non debent, that two *Metropolitans* ought not to be had in one and
 the same Province; and therefore when *Augustin* the Monk, by Authori-
 ty from the Pope, would have thrust himself upon the *British Bishops*,
 they would not submit, saith *Bede*, to any of his orders, *neq; illum pro* Hist. l. 2. c. 2.
Archiepiscopo habiturum, nor receive him for their *Archbishop*, as having Edit. Lovan.
 an *Archbishop* of their own. And *Huntington* relating the matter (as cited 1565.
 by *Barriere*) adds, that neither the *Britains*, nor the *Irish* would com- Hist. l. 36.
 municate with him, or with the *English*, that were governed by him, Lib. Brit. Char.
 more than with *Pagans*; giving this for their reason, because he did
 seem to deal *uncanonically* by them, in constraining them to take him for
 their *Archbishop*, when they had an *Archbishop* before. And if we do
 but consider the high standing the *Primate* hath in the Church, and the
 reason of his being set there, which was (as *Spalato* speaks) *ut unitas &* de Repub. Ec.
concordia inter Episcopos servaretur, that *Unity* and *Concord* might be pre- lib. 3. cap. 2.
 served among the several Bishops of the Province; it must every way
 be held as reasonable to have but one *Primate* in a Province, as one Bi-
 shop in a Church. And hence it is that the *Apostolical Canon* enjoyns the
 the Bishops of every Nation or Province, *ἀδίδου & ἐν αὐτοῖς πρῶτον, &* Can. Apost. 34.
ἱνῶναι αἱς κεφαλῇς, to have always a regard to him who is the chief Conc. Aur.
 among them, and to esteem him as their head; yea, and so far to be Can. 9.
 headed by him, as to come under his *Precedency*, by virtue whereof the
 whole Province becomes but one Church; the *Deacons* and *Presbyters*
 acting under their *Bishop*, the *Bishops* under their *Metropolitans*, and the
Metropolitans under their *Primate* or *Patriarch*. And it is the breaking
 this Chain, and the going off from this *Subordination* that begets a
Schism; but never proves it so fatal as when the *Primate* suffers in it.
 This holy Synod (say the *Constantinopolitan Fathers*) perceiving, *τῷ τῶν* Temp. Apost.
χιρματικῶν μακρὰ τὸ τῷ Χριστῷ σῶμα μερίζον ἐπιχέρον, that the Devil is Can. 13.
 busie through the fury of *Schismatics* to divide the Church, doth for the
 prevention of the same, determine, that if any *Presbyter* or *Deacon* su-
 specting or knowing his Bishop to be faulty, shall presume to separate
 himself from him, and forbear naming of him in the Church's Prayers
 as it is customary to do, *πρὸ συνωδικῆς διακρίσεως, & ἐξετάσεως, & τῆς*
ἐν αὐτῷ τοῦ αἵματος καθάρσεως, before a Synodical Hearing, Examination
 and perfect Judgment shall be had in the case, he for so doing be de-
 posed, & *ἀάσας ἱερατικῆς ἀποσεβῶναι τιμῆς*, and for the future deprived
 of all their *Sacerdotal Honour*, and the like. They decree to those
 Bishops that upon the same account *ἐκκλησιαστικῶν πρεσβυτέρων ποιμένων* Can. 14.
 separate themselves from the Communion of their *Metropolitan*: And the
 like again, to those *Metropolitans* that shall separate themselves from
 their *Primate* or *Patriarch*, thereby making a *Schism*, and breaking the
 Unity of the Church, *ὡς μόνον ἐλαττωθῇ τὸ τὸ παρονομήτας* though guilty
 of no other fault, than such separation. Can. 15.

Can. 34.

30. The old Rule was, that nothing be done in the Church without him, meaning as it is a Provincial Church. And *Balsamon* in his Commentaries upon the aforesaid *Apostolical Canon*, which commands the Bishops of every Nation to observe the *Primacy*, *ἡ μὴ ἐν τῇ ἐκκλησίᾳ αὐτοῦ τῆς ἐκκλησίας γίνεσθαι*, and to transact nothing in the Church, of the more weighty affairs thereof without him, tells us, wherein these weighty affairs consist; and that they are *τὰ ἐν ἐκκλησιαστικῇ κατὰ τὰς ἐπαρχίας ποιεῖσθαι*, such as relate to Ecclesiastical Constitution, *ἡ τὰ ἐκκλησιαστικὰ τῆς ἐκκλησίας ἡ δὲ ἀντιθέσθαι ἐν αὐτῇ παροικίᾳ*, and cannot otherwise be transacted by the respective Bishops in their respective Diocesses. And whence it is, that one of the chief Branches of his superintended Authority arises, and that is to call and convene all the Bishops of the Province into a *Synod*, in order to have all such matters debated, stated, and provided for; that all Irregularities may be amended, and all Schisms prevented. Now we are told by the Council of *Antioch*, that that, and that only is a true and right *Synod*, *ἡ συμπάσις ἡ ὁ Μητροπολίτης*, wherein the *Metropolitan* presides; and that it is not lawfull for any, *καθ' ἑαυτοῦ συμβόλις ποιῆσαι*, of their own heads, or by a separate Authority from him, to call *Synods*. Insomuch, that if the present *Metropolitan* be usurped upon, and not rightfully deposed, all *Synods* that are and shall be called, and all matters that are or shall be debated therein, and determined thereby, must necessarily fall to the ground, and have no Virtue or Solidity in them. I am sensible a Man may bear up the *Name*, and hold the State of a Bishop, answerably habited, with his *Pastoral Staff* in his hand, and a *Mitre* upon his head, he may call a *Synod*, and have his Bishops and Clergy about him, bestowing his *Prebendaries* to some, his *Archdeacons* to others; nay, *reditus, census & capones*, he may receive Rents, Services, Capons, &c. whilst his *Regency* holds: All this did the *Episcopus Putorum*, as he is described and deciphered by Mr. *Gregory* of *Christ-Church*, and yet he was but a mock Bishop, and so he died without any farther Character of a Bishop upon him; notwithstanding he be buried in the *Pontifical Ornaments* of a Bishop, and had a *Dragon* under his feet, with a *Motto* as great and as proud as ever Bishop usurped, *conculcabis Leonem & Draconem*.

Oper. Posth.
p. 117. Edit.
1665.

Lib. 6. c. 1.
Part 3.

Can. 6.

31. Another of his unquestionable Prerogatives and Priviledges, as he is *Primate* of the Province, an Office, according to *Petrus, de Marca*, of *Apostolical Tradition*, and coeval with *Christianity* it self, is, that no Bishop ought to be ordained, or taken for a Bishop within the Province, that is not ordained by him, or with his approbation and consent: Insomuch that if a thousand Bishops be made without his consent, and much more against it, they can be no Bishops. And this is evident from the first *Nicene Council*, *ἡ τις χωρὶς γίνεσθαι τῷ Μητροπολίτῃ γένοιο ἐπισκοπῆς*, if any one be made a Bishop without the allowance and good liking of the *Metropolitan*, this great Council decrees *τὸν τοιοῦτον μὴ δεῖν εἶναι ἐπίσκοπον*, that such an one shall be no Bishop at all; and so it was decreed

in the first Council at *Antioch*, ἐν τῷ πρώτῳ μὴ χειροτονήσθω, let no Man be Can. 19.
ordained Bishop without the presence of the *Metropolitan*, or if any shall
be made, μὴδὲν ἔχοντα τὴν χειροτονίαν, that his Ordination be null and in-
valid, and that not only as to himself, but as to all others that shall be
afterwards ordained : And this was the plea that *Alexius* made, when
they would unjustly have deposed him from his *Patriarchship*, and which
in probability prevented his deposition ; stoutly answering (as Doctor
Burnet relates the matter) " That if his Ordination was null, then all Regal. cap. 3.
" the *Metropolitans* whom he had ordained, and all the *Bishops* whom
" those *Metropolitans* had ordained during the eleven years of his Ad-
" ministration, ought to be likewise degraded : From whence it is evi-
" dent, that if the Ordination be at first null, it conveys and entails a
nullity upon all its descent, and what a miserable confusion this will
bring in eleven years time upon the *Church of England*, he that hath but
half an eye may foresee. Nay, at this rate Archbishop *John* (scilicet
Schismatis Primas & Metropolitanus) will neither be *Primate* nor *Bishop*,
nor can it in the least justify him from the Crime of *Schism*, that the
present Power backs him in his *Invasion* and *Usurpation* ; ἡ τῆς ἐκκλησίας
ἐκκλησιαστικῆς ἀρχῆς χενοποιεῖται, if any one (saith the *Apostolical Canon*) Can. 30.
shall make use of any secular Power to thrust himself irregularly into
the Possession of a Bishoprick ; καὶ διαρπάζει τὸ ἐπισκοπικόν, let him be de-
posed and excommunicated, together with all those that take part with
him. The like is decreed in the Council held at *Paris*, *Si quis per ordi-*
nationem regiam, if any Bishop shall unduly and with too much haste
ascend to the height of *Episcopal Honour* by the strength and interposi-
tion of *Regal Power*, let him no ways be relieved or owned by the Bi-
shops of the *Province*, or if contrary to the *Canon*, he shall be received
by any of the *Comprovincials*, then let such be separated from the rest of
his brethren. Can. 6.

32. I here foresee, that the instance of *Abiathar* will be produced
against me, not only to overthrow the position of one Bishop in a
Church, or of one Primate in a Province ; but to shew, that is in the
Power of Kings upon good reason, to depose any of them ; nay, the
highest of them all, that do or can Priest it in their Dominions. God
(say they) appointed but one *High Priest* at a time for the whole *Jewish*
Church, neither do we read of any farther order given for the displa-
cing of him, or for the putting of others upon him : And yet none can
deny but that in King *David's* days there were two *High Priests* toge-
ther, *Zadock* the Son of *Ahithub*, and *Abiathar* the Son of *Abimelech* ; 2 Sam. 15. 29.
and this by the sole order and pleasure of the King : neither do we
read that he was ever the farther from being the Man after God's own
heart for his doing so. And it is as evident on the other hand, that *So-*
lomon his Son deposed and degraded one of them ; to wit, *Abiathar*,
after he had continued in the Office full forty years ; and that by no
other Authority than his own. Both which actions plainly demon-
strate, 1 Kings 2. 26.

Art. 37.

strate, That if reasons of State so require, the King may either multiply *Bishops* upon a Church, or depose them; especially as to us in *England*, since we give the same Prerogative to our *Kings*, as was given by God to all *Godly Princes* in *holy Scriptures*: And this they think will be a sufficient plea and cause for what they are doing. But to this I answer; and first, as to the being of two *High Priests* at once,

33. I think I may say, that it is the only instance to be met with in Scripture from the time that the *Priesthood* was settled upon *Aaron* and his Family, to the time that the *Jews* became *Captives*, and were carried out of the Land: And if it had been either convenient or necessary, it would have been oftner practised; and if it had been oftner practised, we should have oftner heard of it. So that it being a particular case, it must have a particular reason and foundation proper and peculiar to it self upon which it stands, and without which it falls. Howbeit it was at a time when the *High Priesthood* was got into a wrong Chancel, and possessed by a Family which (according to the Law of Inheritance) had no present right unto it; I say no present right, a right it had at large, as being of the Family of *Ithamar*, one of the Sons of *Aaron*, to whom (no less than the other) the *Priesthood* at first was given; but however not without a Precedency to *Eleazar*, as being the first born.
- Lev. 10. 7. And hence we read, that when *Aaron* was to be taken away by death, *Moses* was commanded to strip him of his Garments, the Garments of Holiness, which at his *Consecration* he had put upon him, and to put them upon *Eleazar*, signifying thereby the divesting *Aaron* of his *Priesthood*, to array and invest *Eleazar* with it. From him it was conveyed to *Phineas* his Son, to whom, and to whose Seed it was farther assured and granted to be an everlasting *Priesthood*; but so it happened at present, that the Posterity of *Eleazar* was put by, and the Posterity of *Ithamar* taken into their room; and so it had been, and continued for four Generations, even from the time of *Ely* to this *Abiathar's* days; who having escaped the *Massacre* made at the command of *Saul*, upon *Ahimelech* his Father and Family, fled unto *David*, and bringing the *Ephod* with him, was constituted *High Priest* in the room of his deceased Father; and indeed in some measure meriting the same, for it was upon *David's* account, and for entertaining him in his necessities, that his Father was put to death, and the whole Family (besides himself) destroyed. But this appearing irregular to *David*, because against the right of Inheritance, and finding that the line of *Eleazar* was to be restored in his days,
- 1 Sam. 22. 18. even before the *Temple* should be built and *Israel* be in its full Glory; he puts *Zadock* (the principal of the line at that time) into the *Priesthood*, and gives him the Precedency to *Abiathar*, as being regularly the Heir, and the person to whom by right thereof the *Priesthood* belonged; continuing however *Abiathar* as a Copartner with him in it during life; the whole afterwards to devolve upon *Zadock* and his Posterity, as it was at first ordered. So that all this was but a Pious and Righteous design
- 1 Sam. 23. 6. 1 Sam. 22. 13. 1 Sam. 2. 33. 35.

in *David*, to restore the Priesthood to its rightful owner, and not unreasonably to divide the Church, but reasonably to make up the *Breach* that had been made in the Inheritance. A method commended by the *Bishops* of *Sirmium* to the *Clergy* of *Rome* upon their having two *Bishops* at a time, occasioned by the banishment of *Liberius*, and the Investiture of *Felix* during his banishment. Let them, say they, receive *Liberius* See Hist. l. 4. cap. 14. their former *Bishop*, since he is permitted to return, and let *Felix* and he, τὸν Ἀποστολικὸν ἐκτετραπὲν Θρόνον, ὃ κοινῇ ἡμεῖς μετ' ἑμμορίας, jointly enjoy the Apostolical Throne, and do all things amicably and in conjunction together, that so the irregularity of the one, and the misfortune of the other may both be buried. Neither can it be blame worthy when two *Bishops* do arise, (which yet *Sozomen* in the place before quoted says, is in it self διχονομία συμβολὸν ὃ ἀκαταστάσιμὸν δόγμα δὲ ὁρίσται, a certain sign of *Schism*, and against the Rule of holy Church,) thus to make up the *Feud*, and reconcile the *Division*, persuading them like *Zadock* and *Abiathar* to go hand in-hand, and bear up the *Ark*, together whilst both of them do live : Nay, so desirable a thing is *Unity* and *Amity* in the case, that when *Melchius* and *Paulinus*, the two *Bishops* of *Antioch*, would not be persuaded to agree the matter among themselves, in their lives time, the chief of the *Clergy* παρὰ τῶν ἐπισκοπῶν τὸν ἐνθάδε Θρόνον ἐπιτάξιον ἢ πειθομαίμεν, who were accounted the fittest to be made *Bishops* after them, or who had the greatest expectation of being so, bound themselves mutually by an Oath, that they would never so much as attempt to be *Bishops* in either of their rooms ; or so much as accept if they were chosen ; ἵς ἰδὼν Παυλίνῳ ὃ Μελσίῳ τῷ ὅθ' ἐπὶ περιώρην, as long as either *Paulinus* or *Melchius* should live, but that when either of them should die, the *Bishoprick* should remain entire to the *Survivor* of them ; and from thenceforth continue undivided. See l. 7. c. 3. See l. 9. c. 4.

33. Neither will the other part of the *Objection* much affect us ; that I mean of *Solomon's* deposing *Abiathar*. For it was in a case of *High Treason*, (driven perhaps thereunto, out of hopes that if *Adonijah* had prevailed against *Solomon*, he might have regained the *Priesthood* back unto his Family, which he could not but foresee was quite going from it.) A *Crime* of so high and malignant a nature, that the *Church* will not *Advocate* for it. Nay, though she be industrious to defend her *Clergy* under other *Accusations*, that they be not too much oppressed by *Secular Powers* ; yet as to a *Delinquent* of this nature, she utterly throws him off, and exposes him to all the hardships he can meet with. In *Matthew Blaster's Synagma*, Chapter *de Episcopis ob Crimina sua judicatis*, I find this *Law* or *Canon*, κατηγόριαν ἰσχυρὰ ἵδὼς τῶν καίκων ἀρχιερέων δικάζει, ὡς αὐτὸν καὶ καθεστῶτος ἑκκλησίας ἢ κατηγόρια πεινέχει, let none of the *Laiety* judge the *Clergy*, unless they be accused of *Treason* ; intimating, that if accused of that, no *Sacredness* of *Office*, no *Sublimity* of *Honour* must either *indemnify*, except or excuse them from punishment. And yet how far this *Deposition* wrought, is not to me altogether so plain : The *Scripture*

Tit. Δ. cap. 8.

- 1 Kings 2. 27. faith no more concerning it, than that *Solomon thrust out Abiathar from being Priest unto the Lord*; it neither shews how far he thrust him out, nor by what method he did it. *Nihusius*, as cited by *Frischmuth*, in his Treatise *de Rege eligendo & deponendo*, would have us believe it was *ex Aula solum*, only from appearing at Court, and exercising his Office in or about Jerusalem, where the King had his abode; with liberty however to execute it in the Tabernacle at Gibeon, as *Zadock* before him had done, when he was Copartner with *Abiathar*; and this perhaps may be grounded on the relation that *Josephus* makes of the matter, where he brings in *Solomon* thus speaking to *Abiathar*, *Ἐνταῦθα ἵσταται οὐ τὸ τὴν ἁγίαν οὐρανὴν τῷ πατρὶ καὶ ἐμῇ*, "the pains, faith he, that thou hast endured by accompanying my Father *David*, and attending and bearing the Ark with him, makes thee to escape from death; yet forasmuch as thou hast taken part with *Adonijah*, I so far condemn thee, *μῆτις ἐνθάδε ἵδῃς, μῆτις ἴδῃς ἐνθάδε τῇ ἐμῇ*, that thou depart hence, and see my face no more; *ἀμαρτάν τῃ μὴ μῆτις, ἵνα δικάσις ἐν ἀγίοις*, for since thou hast so offended me, it is not convenient that thou shouldst be in Honour with me. *Caribisianus* goes farther than *Nihusius*, and tells us, *Abiatharem de integro, singulari clementia Regis, pristino Officio restitutum*, that he was by the special clemency of the King wholly restored to his Office again. *Gersomides* brings him down to a much lower station, yet makes him however to be *Zadock's* Substitute, when ever he was hindered by any defect from executing the Office of the High Priest himself; and such an one *Josephus* makes *Ellem* the Son of *Joseph* to be unto *Matthias*, in the time of his uncleanness. But be it as it will, most certain it is from Scripture; 1. That he had his life given him. 2. That he had liberty to retire unto his City, and to dwell quietly there. 3. That he had still the Name and the Title of High Priest continued to him: *I will not* (saith *Solomon*) *at this time put thee to death, because thou barest the Ark of the Lord before David my Father, and because thou hast been assisted in all wherein my Father was assisted*; it seems *Gratitude* to past Services, and a *Veneration* to the high dignity of *Priesthood*, was not then perished quite out of the Land, *nondum terras Astrea*. Neither are we less in the dark as to the manner how he was deposed: We read of no formal procedure in the case; all that is said about it, is, *That Solomon thrust out Abiathar from being Priest unto the Lord*: And yet if we will credit *Menochius*, * he will tell us, that among many other things to be transacted in the great *Synedrion*, the punishing of the High Priest was one, and so faith the *Mishna*, *אין קנין לא את כהן גדול אלא בבית דין שלששים יומין*. They judged not the High Priest, unless in the *Sanedrion*, or great Consistory; meaning, saith *Seiden* out of *Mamonides*, *בבית דין שלשים יום* so far as Life is concerned. Nay, though in other Matters, not concerning Life, they might judge of him in other Courts, yet both *Selden* and * *Grotius* affirm that in that point, *ne Regi quidem ipsi permitteretur*, it was not lawfull for the King himself to take cognizance of him. Yea, the former of the two having reckoned up above an hundred and forty

S. 63. Edit.
June, 1653.

1 Chron. 16. 39.

Ant. l. 8. c. 1.

Frisch. Loc.
cit. S. 64.

Loc. cit.

Ant. l. 17. c. 8.

1 Kings 4. 4.

* De rep. Heb.

l. 1. c. 6. S. 6.

† Tit. סנהדרין

c. 1. l. 7.

‡ De Synod.

l. 3. c. 8. S. 1.

|| L. 3. c. 6. S. 1.

* De Jure Bel-

li c. 3. S. 20.

irregularities and defects in reference to his body (besides many more incident to his mind) which hindered him from being admitted at all into his Office, and rendered him after liable to be turned out, concludes notwithstanding *dum sui juris Hebraei*, that whilst the Jews were governed by their own Laws, the *Legitimate Succession* (where no impediments prevented) ever took place, and that it was high injustice to reject or expell any, to whom the *Priesthood* belonged, unless some or more of those irregularities were really to be found upon him: The Crime indeed of *Abiathar* being no less than a Crime of *High Treason*, could not but be animadverted upon: But then the Crime being Capital, and the *High Priest* the *Criminal*, we may well conclude, that before ever *Solomon* thrust him from the *Priesthood*, the *Sanctum* had previously judged and passed their *Sentence* upon him. And so it fared with *Joab* (one of his fellow *Criminals*) for it is plain, if *Josephus* says true, That before ever *Solomon* sent *Bennajah* to fall upon him, he first sent him to fetch him from the *Altar*, in order to bring him, *ἵνα τὸ δικάσῃεν ἐς ἀνάγκην*, to the Seat of Judicature, there to purge himself, if he could. And if this formality was used towards *Joab* before ever the command was given to have him slain, it's probable the like was used towards *Adonijah*, the *King's Brother*, before he was slain; and the like also to *Abiathar*, before he was thrust from the *Priesthood*. Nay, though it should be true, as some assert, That the *Kings of Judah* were more absolute in their Authority than the *Kings of Israel*, and did not always so formally proceed by way of Justice as the other did, and that this proceeding against *Abiathar* might be one of those extraordinary instances of their power; yet this is certain, that they had their standing Courts of Judicature all the Land over, for the right and full administration of Justice to all sorts and degrees of Men, the chiefest of all which, and to which the last Appeal was made, was ever at *Jerusalem*, as being most near unto the *King*. Thus *Jehosaphat*, having constituted Judges throughout all the fenced Cities of the Land, is said to have done the same at *Jerusalem*, setting *Amariah* the *High Priest* over all in the matters of the Lord, and *Zebadiab*, the Son of *Ishmael*, for all the *King's* matters, the Secular concerns to be transacted by the *King*, through the assistance of his Secular Judges, and the Ecclesiastical by the Ministry of his Ecclesiasticks. In like manner *David* having set out the form of the *Temple*, and given *Solomon* directions for the building and ordering of it, leaves him to his *Priests* and *Levites* to be farther advised: *The courses*, saith he, *of the Priests and Levites shall be with thee for all the service of the House of God*. And I dare say, this power, so fixed and managed, cannot but be thought so just and reasonable, that as the Church of *England* hath all along granted it to their *Kings*, so there is not at this time one Church-Man of the old Foundation among us that will deny it them, but wish that it were so; are troubled that it is not so; nay, can say, *By the waters of Babylon we sit down and weep, whilst we remember thee O Sion*

De Success. in Pontific. l. 2. c. 5, 6, 10. Lond. 1636.

Ant. l. 7, 8. c. 11. Edit. Gen. 1634.

2 Chron. 19. 11.

1 Chron. 28. 21.

Lib. 4. cap. 6.
Part 1.

Loco citat.

34. I confess there are not instances wanting in History, to shew, that it hath often been the practice of *Emperors and Kings* by their own Authority (and without concerning themselves at all with a Synod) to depose Bishops, and thrust them from their Bishopricks : But then this hath been (as *Petrus de Marca* observes) in *apertissima Canonem violati*, in such cases only where the Canons of the Church have been most notoriously and scandalously violated ; so notoriously, that there needed no proof as to matter of fact, nor any thing farther to be done but to apply the punishment. And of this he gives us two instances in reference to the case in hand : The one of *Justinian* the Emperor, and the other of *Zeno* ; the first deposing *Anthemius*, for that, contrary to the Canon, he had deserted his own Church, and invaded the See of *Constantinople* ; the latter for doing the same thing to *Peter*, surnamed *Moggus*, for that, contrary to the Canon, he had seized upon the Patriarchship of *Alexandria*, *Timothy*, the lawful Bishop thereof, and under Banishment, being not yet dead. And referring us to the *Acts* of the Council held by *Maxima* at *Constantinople* ; he farther tells us, That such violations, *aut à Principe, aut à Synodo castigari posse*, may be punished either by the Prince or by a Synod. But now for *Emperors or Kings* to take this power upon them, when there is no breach of Canon ; nay, when it is contrary and contradictory to all Canon ; and purely for their own Will and Pleasure, or because it may serve their Interest to have others in their Places, and Bishopricks, that may lick their spittle, and cry *Χαίρε, Χαίρε*, to them in all their actions : This certainly must be pernicious and fatal to the Church ; and can bode nothing less than an utter and speedy ruine to it. Of what dismal consequences this kind of dispositions have been, and what sad and deplorable mischiefs they have brought along with them to the most flourishing Churches in the World ; I shall in a more particular manner evidence, from the Jewish and Greek Churches, being provoked thereunto by some of the late *Treatisers*.

Ant. l. 15. c. 3.

Lib. de Mac.
cap. 4.

2 Mac. cap. 4.
13, 14.

2 Mac. 4. 24.

Jos. Ant. l. 12.
cap. 15.

35. And because the Jewish Church offers it self first to our View, I shall consider it first, and shew what Success it met with whilst it was thus rid : *Josephus* tells us, that the first that ever executed this deposing Power was *Antiochus*, who depriving *Onias*, put *Jason* into his place, a fitting Priest for so wicked a Tyrant ! For no sooner was he made so, saith the same Author, but he forced all the People to Impiety, and to forsake Religion. Nay, such, saith the Author of the Book of *Maccabees*, was the height of Greek Fashions, and increase of Heathenish Manners, through the exceeding Propriety of *Jason*, that ungodly Wretch, that the Priests had no courage to serve any more, at the Altar ; but despising the Temple, and neglecting the Sacrifices, hastened to be partakers of the unlawful Allowance in the place of Exercise, not setting by the Honour of their Fathers, but liking the Glory of the Grecians, by reason whereof sore Calamity came upon them. About three years after *Menelaus* had *Jason* laid aside, and himself put into the High Priesthood, though he was not in *ἡ Ἀρχιεπισκοπή*, of the race

of the High Priests: *He, saith the Book of Maccabees, came with the King's Mandate, having nothing worthy of the High Priesthood, but having the fury* ^{2 Mac. 4. 29.} *of a cruel Tyrant, and the rage of a savage Beast.* And such an one he was; for he stole certain Vessels of Gold out of the Temple, caused *Onias*, the deposed High Priest, to be slain, and was Guide to *Antiochus* when he went to the Temple to rifle it of its holy Vessels. *A wicked and impious man, saith Josephus, who for his ambitious Desire of Authority, had enforced our Nation to revolt from their Religion.* He was slain, and succeeded by *Aleximus*, who also is said to have defiled himself wilfully in the time of their mingling with the Gentiles; and was the cause of all that Mischief that afterwards happened to *Judas*, *Razis*, and the Temple. The next Instance shall be in *Herod* and his Successors, after he was by the Roman Emperor created King of the Jews. *In the Roman Times (saith the Annotatour, Ham. in Luc. quoting Josephus for it,) it is manifest that the Roman Prefect did, ad libitum, when he would, and that sometimes once a year, put whom he please into the Pontificate, to officiate in Aaron's Office, instead of the lineal Descendants from him.* And this was, as Bp. Overall in his Convocation-Book suggests, ^{Lib. 1. c. 34.} to keep them from entering into Rebellion; suspecting that if the Priesthood should have been held by Succession, or for term of Life, by the chief Persons of *Aaron's* Posterity, it might have grown dangerous unto their Government. The last Instance touching the Jews, shall be of the *Zealots*, not long before, and hastening on the Destruction of *Jerusalem*; and of the Temple there: *They, saith Josephus, not respecting the Families out of which it was only lawfull to chuse the High Priest, elected strange and base Persons to that sacred Dignity, and such as would be Partakers of their Villanies and Impieties; for they who not deserving it attained to such Dignity, were as it were obliged unto their Will in all things by whom they were so exalted: A Fact, says he, contrary to the most firm Custom that was amongst the People, and only a Device to get all Government into their hands.* From all which we may remark and infer, 1. That the Reason and End of such Actions is purely to serve the Interest of Government, and to have such Persons in the Head of the Priesthood that will own their Actions, and execute their Commands, though never so wicked and sinful. 2. That Religion is so far from gaining by it, that it is generally forced to give place to *Atheism*, *Profaneness*, *Heathenism*. 3. That it is a sad Prognostick and Forerunner of an utter Desolation to the Church, and shews that her Enemies (the *Zealots* on the one hand, and the *Romans* on the other) are either come or coming upon her, which makes me (with *Faustinus*) almost to wish, That since the high Dignities of the Church prove so tempting, and do so debauch the Priesthood, she had never been so richly endowed, *sed in apostolico more vivens, fidem integram inviolabiliter possideret*, but that her Clergy living more after the *Apostolick* Manner, might the more inviolably hold the *Apostolick Faith*; and not for the love of Honour or Wealth be tempted to decline or withgo it.

Ch. 4. v. 32.

2 Mac. 5. 15.

Ant. L. 12. c. 15.

2 Mac. 14. 37.

&c.

Ham. in Luc.

c. 3. 2.

De Bell. Jud.

l. 4. c. 5.

Libel. Præc.

p. 21. Oxon.

1678.

Barnet, c. 3.
Edit. 1582.
Niceph. Greg.
lib. 7.

De Mac. c. 4.

2 Mac. 4. 24.

Ch. 3. p. 99.

36. The like Instance of this *Abomination of Desolation* may be taken from the *Greek Church*. In *Andronicus's* long Reign, saith the Author of the *Regalia*, many were put in and out, to the great Scandal of the Church; and he makes this Remark upon it, from the Historian which he quotes, That Princes chuse such Men to that Charge, who may be their *Slaves*, and in all things *obsequious* to what they shall prescribe, and lie at their Feet, and not so much as have a Thought contrary to their Commands. I might have told you before from *Josephus*, that *Onias* had never been turned out of his Priesthood, at least *Jason* not put in, had it not been for an annual Payment of three thousand six hundred and threescore *Talents of Silver* to *Andronicus*: And from the Book of *Maccabees*, That *Meneleus* had never got over *Jason's* Head, had he not promised three hundred *Talents* more than what *Jason* gave. So bewitching are the Rewards of *Divination*, when proffered by Kings, that *Balaam* the Prophet (though perhaps his Conscience doth boggle at them at first, no less than his afterwards did at the sight of the Angel, yet) rather than not be fingering of them, he will remove from Mountain to Mountain, from Hill to Hill, to try whether from some place or other he may not venture to curse *Israel*. Nay, I am apt to think, that if the chief Dignities of the Church come once to be sold by Inch of Candle, all the burning and shining Lights thereof will soon be turned out of their *Candlesticks*, for dim and stinking *Snuffs* to be put in their rooms; and of what ill consequence this may prove to a Church, without being a Prophet, or a Prophet's Son, we may easily guess. The forementioned Author of the *Regalia* informs us of the Mischiefs and Misery it hath brought upon the *Greek Church*: The *Turks*, saith he, having taken this matter into their Hands, have so exposed all unto Sale, (and I may add Interest,) and have found so many base minded and ambitious Churchmen, that are as ready to buy as they are to sell, that those Churches which were once the Glory of the World, are now become *Dens of Thieves and Robbers*; adding, that as those Miseries are to be lamented in them, so we who hear of them, ought to remember the words of our Saviour, *If these things be done in the green Tree, what shall be done in the dry?*

37. But what need I aggravate the Mischiefs that attend these *Abominations*, especially when continued and daily renewed? There are none so blind but may see them, none so hardy but must lament them, none so senseless but (as far as in them lies) will endeavour to prevent them: But (say some) what meaneth the Bleating of the Sheep, and the Lowing of the Oxen we hear? Why so much noise of *Schisme*? Why such breaking of *Communion*? Why such running from our Churches? Must all be *Schismaticks* that take in with the new Bishops, and follow them? Is not this to make the Jewish Church *schismatical*, after the High Priesthood became annual; and the Greek Church too, as often as the *Grand Seigneur* changes the *Patriarch*? Sure we are that our Saviour himself at that time communicated with the Jewish Church, which we presume he

would

would not have done, if it had been *schismatical*; and no Man (for ought as we do know) blames the *Patriarch* who succeeds, nor yet the *Church* which receives him. And yet though it be so, I cannot see that either of these Cases run parallel to ours; for the *Jews* for many years before had been under the *Roman Yoke*, and so have the *Greeks* for many Centuries of years under the *Turks*; both despoiled of their Rights and Customs, and so far at Mercy, that it was well for the *Jew* that he could have any Priest, and for the *Greeks* that they have any Christianity: And were this our Condition, I should be glad to herd any where; nay though we had no *Bishops*, nay though we had no *Priests*, nay though we were only *Christians at large*, rather than pay no publick Devotion: But whether this be an eligible thing; nay, whether we ought to *hasten* this upon us, and to *court* it; nay, whether we be not *bound* (though we be forced to take up the Cross and follow) to *resist* it, I leave to all pious, sober Christians, whose *Gain is not their Godliness*, to consider on. Bp Taylor from *Fulgentius* tells us, That when *Frazamund*, King of *Bisac* in *Africa*, had made an Edict under pain of Death, that no more *Bishops* should be consecrated, designing by that Device to have the *Catholic Faith* rooted out of his Dominions; the *Bishops* of the Province (no ways affrighted at the Edict) met together, and consecrated as many as were wanting, considering that those who were worthy of a Mitre, need not fear to do their Duty, when by so doing, they are sure to receive a Crown of *Martyrdom*. And had the *Greek Bishops* been as resolute and daring, when these *Invasions* were at first made upon them, probably their *Crown* would have been more *glorious*, and their *Religion* at this day more *flourishing*. However, if I mistake not, the case of the *Jews* is very much misrepresented, and to no purpose produced: For though it was their *Infelicity* to be reduced almost to an *annual Priesthood*, yet it was always given (as *Josephus* relates the matter) to *such*, and to none but *such*, who were of the order of the *Priests*: And howbeit it was particularly *entail'd* upon *Phineas* the Son of *Eleazar*, and his Posterity, as hath before been shewn, yet it is evident that the *entail* was *conditional*, and through the *failures* in their *Persons* or *Office*, it might be taken from them, as it was from *Eleazar's* Family, and given to *Ithamar's*; from *Ithamar's* given to *Eleazar's* again; and from the chiefest of each, *to the meanest* in both, and yet the *Priesthood* *valid*, though the mutations and changes were never so many and frequent. And so *Selden* concludeth upon the matter; *palam quidem est, si originem tantum sanguinis Sacerdotalis in Aarone spectes, idem esse Pontificale genus & Sacerdotale*, it's evident, says he, that the fountain of blood in *Aaron*, from whence the *Priestly Office* first issued, was the very same that gave being to the *Priests*, as to the *High Priests*; insomuch that if the right of *primogeniture* did not interpose, or came once to be neglected, there was not one of the *Posterity* of *Aaron*, but would be *aeque capax Pontificia dignitatis ac munus Sacerdotalis*, altogether as capable of the *Pontifical* as of the *Sacerdotal*.

Episcop. after.

Ant. l. 20. c. 18.

De success. in Pontif. c. 9.

Lib. 14. c. 3.

Sacerdotal Office. Josephus indeed tells us, That it was an Ordinance of their Country, that if any person was once enstalled into the Office, he might not be displaced during his life; but in Scripture we read of no such thing; the original grant including no other limitation than that it go along with Aaron and his Posterity. Hence when the Priesthood was first given, saith God to Moses, Thou shalt anoint Aaron and his Sons, and consecrate them, that they may minister to me in the Priests Office; and the Priests Office shall be theirs for a perpetual Office. And Josephus tells us, That it was a Law observed by their Ancestors, that no Man was to be admitted to the Priesthood, except he were of Aaron's Posterity; for albeit he were a King, if he were of another line, it was impossible for him to obtain the Priesthood. And thus it happened through all the mutations by Herod, or his Posterity, from the time he was created King over the Jews, untill the day that Titus destroyed the Temple. Now the original Charter requiring no more, but that the Priesthood should be in some or other of the Seed of Aaron, and since it was so in our Saviour's days, albeit it was made almost annual, I cannot see but that the Office was untainted, and the High Priest, as soon as created, to be accounted a good and lawful High Priest. So that though these frequent alterations may make the Jewish Nation unhappy, yet Schismatical they could not; they might, and they did portend a speedy ruin to the Priesthood, and were for a judgment to them all; but a sin they were not; and if High Priests within the institution, I can see no reason, why our Saviour might not communicate with them as innocently, as he might have done with Eli, Eleazar, or with Aaron himself; and the Jews all the while continue free from Schism, though full of misery. But as for us, we have no such custom, neither we nor the Churches of Christ.

Exod. 29. 9.
30. 30.Ant. lib. 20.
cap. 18.

38. Thus discharging my self both of the Greek and Jewish Churches, I shall in the next place consider the case of the deprived Bishops in the beginning of the Reformation: A point (say our new Reformers) not to be touched upon, unless you design to expose the Reformation to the Romaniſts: For if a legal Prince, and much more if a Prince in conjunction with his Parliament, hath not power, upon grounds that seem to them just and warrantable, to deprive a Bishop, and to make a new choice; you can never justifie the proceedings either of K. Edward VI. or of Q. Elizabeth; there being little or nothing done in those days towards the depriving of the Bishops, for the bringing on of the Reformation, but what was done meerly by Secular Power. And if it was lawfull then by that power to deprive, it is lawfull now; or if not lawfull now, it was not lawfull then; and by consequence, the Deprivations then were not only uncanonical, but unjust and tyrannical; and so you destroy the building which your Ancestors reared, and what you and others have been supporting above these hundred and fifty years; at least you expose its nakedness to the scoffs and calumnies of an inveterate, insulting Adversary. And thus intrenching themselves, they conclude they are invulnerable;

vulnerable; at least *non* beyond the reach of any Argument, that can be levelled against them: But how much they are mistaken in their confidence, and how little ground they have to think themselves unassailable, will sufficiently appear by bringing their respective Deprivations, both as to the matter and manner of them, to a due account; and in order thereunto as in order they come, and because the former will give light unto the latter,

39. I shall begin with the *Deprivations* in King *Edward's* days, in number indeed six, as are ours now, and so far alike; but in all things else altogether unlike:

40. For had they been *deprived* on the first day they had been enstalled *Bishops*, no wrong had been done them; nay, had the King taken away their *Temporalities* the next moment that he gave them, no complaint could have been made. For if it be true, what the *Reforming Historian* saith, That they had taken out *Commissions*, as they had done before in the former Reign, to hold their *Bishopricks* only at the King's pleasure, and to exercise them as his *Delegates*, in his Name and by his Authority; and of which he gives us a Copy from *Bishop Bonner's*, wherein he acknowledges the King to be *fontes & fœdatrix*, the Fountain of all Jurisdiction and Power, as well Ecclesiastical as Civil; and that he had it only of his Bounty, *eiq; quotiens ejus Majestati videbitur, libenter concedere*, and would deliver it up again, when it should please him to call for it; it is evident, that when ever, or by whom soever the King was pleased to call back his Commission, whether faulty or not, they were *co facto*, to be unbishop'd, and no less to be removed, than those State Officers and Ministers were who held their Places only *durante bene placito*. And to me it seems much the same thing, whether these his doings were founded on the *Determinations* of his Convocation, or on the Acts of his Parliaments; or whether executed by *Delegates* or not; his Royal pleasure only was sufficient, though signified by the meanest Page or Groom that belonged unto him: So that if *Heath of Worcester*, if *Day of Chichester*, if *Tonsil of Duresme*, and if *Voisy of Exeter* (provided he did not resign) were deprived by the Secular Delegates, and not by any Court consisting of Church Men, as the *Historian* asserts, it was no more than what their fordid compliance and their unpriestly condescensions justly deserved. Secondly,

41. There was nothing enjoyed to make them *Criminals*, but what had antecedently been ordered and determined in the Convocation before ever the Parliament annexed their Penalties, themselves all the while sitting, acting, and enacting to both in Convocation and Parliament. Hence we are told by the King's Message to the *Rebels in Devonshire*, that what ever was contained in the new *Common Prayer Book* (the non advancement of which, seems to be their original and fundamental crime) was by the Clergy agreed, yea, by the *Bishops* of the Realm devised, as well as by Parliament established, and more fully by the Letter of the King

Burnet part 2
lib. 2. p. 6.
Edit. 1681.

Coll. 14. p. 267.

Part 2. lib. 1.
p. 203. 216.

Fox p. 1129.
Edit. 1610.

and his Council to Bishop Bonner; that after great and serious Debating; and long Conference of the Bishops, and other grave and learned Men in the *holy Scriptures*, one *uniform Order* for *Common Prayer*, and administration of the *Sacraments*, hath been, and is most godly set forth, not only by the full assent of the Nobility and Commons of the late Parliament, but also by the like assent of the Bishops in the same Parliament, and of other the learned Men of this our Realm in their *Synods* and *Convocations Provincial*. So that here is no exception to be made against the *Legality, Competency, or Sufficiency* of the Powers subscribing; all being concerned that could, or any ways had right to prescribe to the Government. The *Clergy* in their *Convocations*, the *Laiety* in their *Parliament*, the *King* in both; all unanimously declaring for, and establishing the Book. Neither can any thing be objected against the Book prescrib'd: It's called by the *King, a Devout and Christian Book*; said by the *Parliament, to be concluded upon by the Holy Ghost*. Day of *Chichester* (one of the deprived) was one of the *Composers* of it; all of them * had their *Votes* for the establishing of it: *Gardiner* † and *Bonner* ‡ promised *Conformity* to it, and the latter of them sent out his || *Precept* to have it published and used. Nay, so universally was it comply'd with, that, as their Friend *Sanders* tells us, * *ne unus quidem videbatur in Regno toto, qui falsorum officiorum ac rituum communione non fuisset contaminatus*, That there was not one throughout the whole Kingdom (the *Lady Mary* excepted) that did not receive it, and joyn in Communion with it; so that methinks, though they could not themselves minister in the Service so prescribed, yet considering the fullness, regularity and competency of the Prescription, they ought (as Christians) quietly to have acquiesced, and as Bishops to have yielded their Office unto others. Again,

43. Though what was enjoyned was legally established; though by taking out their *Commissions* their *Deprivations* were *Arbitrary*, and at the *King's* courtlesie; though by *Act of Parliament* they were for their disobedience *ipso facto* to be deprived of all their *Spiritual Promotions*; yet was not that punishment inflicted, till their Case were farther debated by persons appointed thereunto by the *King*, to whom both *Church* and *State*, the one in their *Convocations*, the other in their *Parliament*, had justly given the *Supremacy*: which shews that an *ipso facto* Deprivation, without a farther judgment and decision to ratifie and put it into execution, is irregular, and wants both *Equity* and *Precedent*. I have evidenced it in four of the deprived already, who were thus dealt by; and as for the other two (I mean Bishop *Bonner* and *Gardiner*) the Procedure will appear more *Canonical*, because in a great measure transacted by Men of their own Order, and the Sentence much more *Authentic*, because given by the *Archbishops*, their *Metropolitane* and *Primate*. Hence for the depriving of *Bonner* (which was the first of them all that felt the affliction) there were commissioned two *Bishops*, saith Master * *Fox*; three, saith † *Dr. Heylin*, whereof the *Archbishop* was one; *Dr. May*

Fox p. 1235.
St. Edw. 6.

* *Heyl. Edw.*
6. p. 57.

† *St. Edw.* 6.

2, 3. c. 1.

‡ *K. Edw.* 6.

Journ. p. 16.

|| *Fox* p. 1186.

* *Fox* id.

eodem.

De Schif. Ang.

l. 2. Ed. 1610.

2, 3 *Edw.* 6.

cap. 2.

Annal. Brit. vic.

Warham.

25 *Hen.* 8. c. 21.

§c. 2, 6. c. 1.

* *Page* 1194.

† *Edw.* 6. p. 58.

Edit. 1670.

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Dean of St. Pauls, and Secretary Smith Doctor of Laws. For Bishop Gardiner, the Archbishop and three other Bishops, one Judge, three Doctors of Laws, and two Masters of Chancery. Neither is the Commission *enervated*, or in the least to be blamed, or esteemed less *Primitive* for having a mixture of *Lairy* in it: For so *Constance* directed his Letter to *Eliau*, the Proconsul of *Africa*, to examine and hear the Cause of *Felix*, Bishop of *Aptung*, the Ordainer of *Cacilian*; as also to *Zenobius*, the Proconsul of *Numidia*, to enquire into the carriage of *Silvanus*, Bishop of *Cirta*, one of the Ordainers of *Majorinus*, thereby to find out which of the two were Traditors; that the Controversy between the *Cacilianists* and the *Donatists* might be stated and ended: *unde pulsa ageretur infamia cum ingenti laude, illo judicio recessit*, by which Judgment of theirs (saith *Opratus*) the infamous aspersions that were cast upon *Cacilian* and *Felix* by the *Donatists* were wiped off, to the eternal Honour of *Cacilian* and his adherents. And thus also for the better management of the Conference between the *Catholic* and the *Donatist* Bishops, *Honorius* the Emperor appointed *Macellinus* his Tribune, for a Judge in the case, before whom, saith *Possidonium*, the *Donatists* being convicted of their faults, *sententia Cognitoris notati sunt*, were by his Sentence declared guilty, and thereupon condemned. And thus might *Tonsal* of *Durresme*, as well as *Bonner* of *London*, or as *Gardiner* of *Winchester*, have had their Cause heard; had not Archbishop *Gardiner* refused to meddle, because he was found to lye under a misprision of Treason: And so properly might *Voisy* of *Exeter* been tried, but for the same reason; for he also was found, saith *Heylin*, to have fomented the Rebellion of the *Devonshire* Men: And whether *Day* of *Winchester* was not in with them, and for that reason also not tried by *Cranmer*, to me it is doubtful; for the Historian confesses he cannot tell us, whether his Deprivation arose from the refusing to submit to the new Book, or his falling into other transgressions. However I cannot but observe, 1. That the aforesaid Bishops enjoyed their Bishopricks, notwithstanding an *ipso facto* Deprivation, till a farther process was made, and a declaratory Sentence passed upon them. 2. That *Bonner*, who led the way unto the rest, was not deprived till four months or more after the Act of Deprivation took place; *Gardiner* not till two years almost after *Bonner*; *Voisy* not till some months after the Sentence passed upon *Gardiner*; *Day*, *Heath*, *Tonsal*, not till some months after him; so slowly was the Act at that time executed. 3. That as they enjoyed their Bishopricks till their Deprivations, so in all probability they enjoyed the Profits and Revenues thereof; *Gardiner's* were not sequestered from him till within three months of the time; yea, and then also his House and Servants were maintained out of his Bishoprick to the very instant that the declaratory Sentence was judiciously pronounced against him. This was the Case of the deprived Bishops then; and if this method had been taken in reference to our present Bishops, that is, had the matter for which they

Fox p. 1209.

Oprat. cont.

Par. l. i. p. 29.

Gesta purg. ad

Oprat.

Cont. Par. l. i.

p. 30.

De Vita Aug.

Burnet, Part 2.

lib. 1. p. 216.

Edw. 6. p. 100

Reform. Par. 2.

lib. 1. p. 203.

Fox 1209.

Heylin, p. 100.

Burnet lib. 2.

p. 203. 216.

Heyl. Edw. 6.

p. 99.

Fox p. 1218.

are deprived; been debated in a *Convocation* of the Clergy, and there concluded, that the *Allegiance they had sworn might lawfully be transferred, without the Breach of Oath, or guilt of Perjury*; had the Refusers of the said transferring been afterwards by a true and legal Parliament decreed to be deprived, and had they upon that been Legally and Canonically evicted of such a refusal, though no such time had been allowed them; nor no such favour granted, as in the interim to enjoy their Bishopricks and the *Revenues* of them; nay, though after all, the *Sanctions* of the one, and the *Determinations* of the other, had seemed to them unjust; there would not have been such cause (as there is) for a complaint: So that I think we may cry out of the Injustice, at least of the unprecedented Severity of the present Age, and yet neither blemish nor expose the *Reformation*.

Ann. 2. Eliz.
p. 182.

Eliz. p. 36. Ed.
Lond, 1615.

44. Neither will they be assisted or screened by any thing that was done in *Q. Elizabeth's* Reign: For though according to *Stow* there were thirteen or fourteen deprived of their Bishopricks, *omnes qui tunc sederunt, prater unum Antonium Landeversem*; all, says *Cambden*, that were then *Bishops*, which he reckons to be sixteen in number, besides him of *Landaff*, yet will their *Deprivations* be found of a quite different nature to those that have been made in our days: And to make this out, four things are necessary to be observed:

Part 5. p. 130.

Tit. Art. 1552.
Art. 31.
St. 5. 6 Edw.
6. cap. 12.

45. First, That all matters of Ecclesiastical concern, were left at King *Edward's* death under a full and regular establishment, consented and agreed thereunto by the King in his *Convocation*, as well as by the King in his *Parliament*: And so it is asserted to be in the Answer to the Lady *Mary's* Letter, (as cited out of Master *Fox* by the Author of *Church-Government*, viz.) that the *Reformation* as touching the *Common-Prayer-Book*, from the second year of his Reign, and as touching other Articles of Religion from the fifth, was Regular and Canonical, as being the Act of the Clergy; Thus was the Supremacy and Service Book established, as is before shewn; thus also were the Articles of Religion, and in them the Marriage of the Clergy agreed upon: own'd by the Parliament it self to have been so, in the Act for adjudging such Marriages lawfull, declaring therein, that the Learned Clergy of the Realm had determined the same by the Law of God in their *Convocations*, as well by the common assent, as by the subscription of their hands. 2. That no less Authority ought to be allowed to null the establishment, than what was thought necessary by the standing Laws of the Land at first to make it; and therefore since it had its Birth and Rise from the King and *Convocation*, as well as from the King and *Parliament*, and more properly from the first, than from the latter; the Queen had not power of her self, nor by the Parliament, without the *Convocation*, to destroy it: And hence her own Clergy in *Q. Elizabeth's* days, foreseeing the ill effect of such Power, utterly disclaimed it, and in their *Convocation* declared against it, telling the *Parliament*, in hopes to keep their Possessions, but in the mean time forgetting the method whereby they came possessed,

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that the Authority to handle and define such things which belong to Faith in the Sacraments, and Discipline Ecclesiastical, hath hitherto ever belonged, and only ought to belong to the Pastor of the Church, whom the Holy Spirit hath placed in the Church, and not unto Lay-Men; no, though in Parliament (as then they were) assembled. 3. That the Power whereby *Q. Mary* acted for dissolving the Reformation, and for the laying aside the *Bishops* that asserted it, was a less Authority than that by which at first it was established: For no sooner was she come unto the Crown upon the death of *K. Edw. VI.* but, and before ever a Parliament was called, she purely and by her own Authority removed *Bishop Ridley* from *London*, *Poinet* from *Winchester*, *Coverdale* from *Exeter*, *Scory* from *Chichester*, and *Hooper* from the jurisdiction of *Worcester*, whereinto they had been regularly introned; and in their places reinstalled *Bonner*, *Voisy*, *Day* and *Heath*, which in the Reign of *K. Edw.* as before shewn, had been legally and judicially dispossessed; and all this done, saith *Heylin*, without so much as any shew of legal process, the convening of the Person whom it did concern, or any satisfaction given to the Laws so strangely violated. Soon after she called a Parliament, in which, saith *Mr. Fox*, all Statutes made of *Premunire* in the time of *King Henry VIII.* as also other Laws and Statutes concerning Religion decreed under *K. Edw. VI.* were dissolved: and thereupon, saith the *Historian*, seven *Bishops* were all turned out at a time, viz. the *Arch-bishop* of *York*, the *Bishops* of *St. David's*, *Chester*, and *Bristol*, for contracting Marriage, and thereby breaking their Vows, and desiling their Function; *Taylor* of *Lincoln*, *Hooper* of *Worcester* and *Glocester*, and *Harley* of *Hereford*, for Preaching and setting forth erroneous Doctrines, though the *Marriages* the one had contracted, and the *Doctrines* the other had Preached, were both consonant to the decrees of the *Convocation*, which even then remained unrepealed. 4. That *Q. Elizabeth* who succeeded *Q. Mary*, reduced all to the first and legal Settlement, that was left by *K. Edw.* in so much that if there were any irregularities in the proceedings, or any defect of Power in compassing the same, there were the same in *Q. Mary's*. Did she by her Parliament restore the Reformation? It was by the same way and method that *Q. M.* pull'd it down. Had not she the concurrence of a *Convocation*? No more had *Q. Mary*. Were the Laws touching Religion made in *Q. Mary's*, repeal'd by *Q. Elizabeth*? So were the like Laws made in the days of *Henry VIII.* and *Edw. VI.* repealed by *Q. Mary*. In short, whatsoever false steps were taken, or whatever deviations were made, contrary to the usual methods and proceedings of our Ancestors, they were all begun and first attempted by *Q. Mary*, and no farther, nor no longer practised by *Q. Elizabeth*, than to undo what the other thereby had done; till she had put things into the same course they were in at the death of *K. Edw.* leaving for the future, as *Dr. Heylin* observes, Church work to the disposing of Church-Men, who by their Place and Calling are to be adjudged most proper for it.

Heyl. Q. Eliz.
P. 113.

Heyl. Hist. Q.
Mary p. 22.

Hist. Q. Mary
P. 22.

Page 1333.

Bant. vol. 2.
P. 274.

Reform. justifi-
fied, c. 6.
Edit. 1657.

Eliq. p. 37.

46. These things being premised, I proceed to consider the *Deprivations* that were made thereupon: *Cambden* gives us their number, and their Names; viz. *Heath* of *York*, *Bonner* of *London*, *Tonstall* of *Durham*, *Thirlby* of *Ely*, *Bourn* of *Bath* and *Wells*, *Christopherson* of *Chichester*, *Whit* of *Winchester*, *Watson* of *Lincoln*, *Baines* of *Litchfield* and *Coventry*, *Oglethorpe* of *Carlisle*, *Turbervile* of *Exeter*, *Pool* of *Peterborough*, *Scot* of *Chelster*, *Pate* of *Worcester*, and *Goldwell* of *St. Asaph*. I confess * *Mason* leaves out *Christopherson*, † *Saunders* *Christopherson* and *Pate*, || *Heylin* *Pate* and *Goldwell*, adding *Morgan* of *St. David's* to the rest; but *Cambden's* Computation being the highest, shall prevail: And yet I doubt not but by discovering the *voluntary Cessions* or interpretative *Resignations* of some, the *illegal Titles* of others, the *uncanonical Ordinations* of many, and the *horrid Crimes* of them all, so to charge them, as to bring them all under the *Censure* of a just *Deprivation*, without ever being *Patterns* or *Precedents* to the *deprived* of our days.

Le co citat.

47. And first I find in *Camden*, that three of them, to wit, *Pate, Scou, and Goldwell*, *solum sponte mutarunt*, of their own accord gave up, and quitted the Land, and therewith their Churches and Cures; the first, according to *Heylin*, towards the beginning, the last towards the end of *May*, the *Oath* not being tendred, nor *Deprivation* to any decreed, till near * two Months after; the Reason probably why *Heylin* leaves them out of his Catalogue of the *deprived*: And had not or might not others in their absence have been put into their places, their *Bishopricks* might have remained without *Pastors* till Death it self had taken them out of the World: A Mischief so great, and so injurious to Christianity, that the holy Fathers in the *Constantinopolitan Council*, taking it into their Consideration, have long ago ordered such to be deprived: If any *Bishop*

1 & 2 Can. 16.

say they, 10 be great neglect of his flock, shall presume to absent himself from his Bishoprick, by going into a foreign Nation, & to διατελειωσει εν τω διαπορετικω, and remain there above the space of six Months, without leave from his Metropolitan, and not commanded thither by his Prince, we declare him alienated from his Bishoprick, & οτι το αυτο της Εκκλησιας το ποιο ιεραειν ανωτερον ηνεναι, and that another be placed in his room. Three more of them, viz. Bonner, Tomlins, and Heath, had been (as before was shewn) legally deprived in K. Edward's days; and therefore since all things were reduced to the old Standard, and resettled in the same way, and by the same Authority as they had been dissettled, it could not otherwise be expected but that such who had formerly been deprived, should be sent back to the same state of Deprivation they had before been sentenced to. Bourne, Turberville, and Christopherson were Intruders, and had possessed themselves of the Bishopricks belonging to Barlow, Coverdale, and Scory, who had been legally invested in them in K. Edward's days, unjustly turned out in Q. Mary's, but alive in Q. Elizabeth's, to take Possession of their own again. Two more of them (as well as many of the former) were irregularly and uncanonically ordained; their Ordinations being celebrated

and performed without their *Metropolitane*, his Leave, Presence, or Authority; he at the same time (though in Prison) alive, and *undegraded*; *Burn Hist. vol. 2. P. 332, 257.* The ecclesiastical *Canons*, as elsewhere hath been shewn, utterly condemning and avoiding all such *Ordinations* that have not the *τὸ κατὰ* of their *Metropolitane* with them: These were * *White* and *Baines*. The four remaining are *Thirby*, *Watson*, *Oglethorp*, and *Pool*: But if it was lawfull for *Q. Mary* to seize upon *Taylor*, *Hooper*, and *Harley*, because they had taken out *Commissions* from one or more of her Predecessors, to hold their Bishopricks during their good Behaviour, and to make it a ground of their *Deprivation*, (as certainly she did, if *Dr. Burnet* be in the right,) why was it not as lawfull for *Q. Elizabeth* to lay hold upon *Thirby*, and on the same account seize his Bishoprick; since he had taken out the like *Commission* in the preceding Reigns, both of *Henry VIII.* and *Edward VI.* being * *Bp. of Westminster* in both their Reigns, and no less misbehaving himself than the former had done. As for *Watson*, *Oglethorp*, and *Pool*, though they were consecrated after the *Degradation* of *Cramer*, and probably by the Consent of their *Metropolitane*, Cardinal *Pole* being then Archbishop of *Canterbury*; yet were the several Bishopricks so filled with *uncanonical* Bishops, for the reason before mentioned, that it cannot be otherwise imagined than that their *Ordainers*, most or all of them, were of that *illegitimate breed*. Its certain, that of the seven who consecrated the Cardinal, *Thirby* onely stood *rectus in Curia*; the other being either deprived, as were *Heath* and *Bonner*, or else were of the number of the ordained in the time of A. Bp. *Cramer*, as were *Pate*, *White*, *Griffen*, and *Goldwell*, all of them *Intruders*, and upon that account, as hath been shewn, *uncanonical*, and not qualified to make a good *Ordination*: Nay, considering how many such there were, (and many there must be, since no less than fifteen of them were consecrated in a Year,) neither *Watson*, nor *Pole*, nor any other Bishop afterwards nominated, could probably be ordained without them.

43. But were it not *thus*, or had those Bishops been better entituled to their Bishopricks than it appears they had been; yet such was their *Offence*, so provoking their *Crime*, that a lesser *Punishment* could not reasonably be awarded against them: *Dr. Burnet* tells us, That to *refuse* the *Oath of Supremacy*, (whereby the Papal Jurisdiction was first excluded from the Land,) which was their fault, brought the *Refusers* of it into a *Premunire*; and to deny the said Superiority and *Supremacy* to be and to reside in the Prince, was *Treason*. And *Dr. Heylin* tells us, That it hath been, and still is the general and constant judgment of the greatest *Laws* of this Kingdom, That the Vesting of the *Supremacy* in the Crown Imperial of this Realm, was not *introductory* of any new Right or Power which was not in the Crown before, but *declaratory* of an old one, which had been antiently and originally *inherent* in it. Now though this *Supremacy* had been in *Q. Mary's* Reign revoked, *disannulled*, and delivered up unto the Pope again, by her and her *Parliament*, and the several *Laws* and *Statutes*

* Vide Catal: Episc.

Hist. vol. 2. col. 12. p. 257.

Id. vol. 2. p. 6. * Hyl. Cat. of Bishops.

Mas. de Ministr. l. 2. 4. 37.

Burnet, vol. 2. p. 276.

Hist. vol. 2. p. 385.

Ref. just. pt. 2. S. 1.

1 & 2 Ph. & M. c. 1.

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1 Eliz. c. 1.

Eliz. p. 36.

* Burnet's Hist.

pt. 1. p. 182.

& 240. Edit.

1681.

† Fox, p. 965

Burn. part 1.

p. 182.

† Ant. Brit.

p. 324.

* Burnet, pt. 1.

p. 18.

|| Ant. Brit.

p. 330.

* Cambd. Eliz.

p. 1.

Ibid.

† Hyl. Hist.

Ref. part 2.

p. 102.

Stow, p. 1082.

Holling, p. 182.

How, p. 639.

tutes enforcing the same, repealed; yet both it and the Laws in Q. Elizabeth's Reign by an equal Authority were restored and reinforced, though not under the penalty of *Præmunire* or of *Treason*, as formerly; but nevertheless of *Deprivation*, to all such of the Spirituality, *Bishops* or others, that should decline the *owning* or *confirming* of the same with their *Oaths*. And thus Mr. *Cambden* states the Matter, *quotquot iurare abnuerunt, Beneficiis, Dignitatibus, & Episcopatibus exnuentur*; as many, saith he, as refused to accept and take the said *Oath*, were deprived and turned out of their Dignities and *Bishopricks*. An *Oath* containing nothing in it but what had been determined in the greatest and most famous *Monasterium* of the Kingdom; concluded and agreed upon by the *Universities*; subscribed to by all the *Bishops*, and others of the *Clergy* in their *Convocation*; sworn by some of them; *sworn* unto by most or all of those very *Bishops* in some part or other of the *Reigns* of the two precedent *Kings*, and by them then in being, before ever there was a Law for the requiring any such *Oath*, defended both in *Press* and *Pulpit*, and with as little reason to be declined in this *Queen's* days, as in any of her *Predecessors*.

49. For though *Oaths* be not hastily to be given to every one that either takes or usurps the *Throne*, yet here was no possible Doubt or Scruple to be made against the Title of her Majesty, she being declared by the *Parliament* then sitting to be *veram legitimamq; Heredem*, the true and rightfull Heir, *de cuius certissimo in Successione iure cum nemo dubitare possit, nemo debeat*; so true and rightfull, saith Arch Bp. *Heath* in the House of Peers, that as no body can doubt of the Truth of her *Succession*, so no body ought; and so far forth recognized and owned by the present *Bishops*, that they all went to meet her, and presented themselves before her upon their knees, in testimony of their Loyalty and Affection: So that here was no calling her Title in question, no quarrelling the Authority either of her or her *Parliament*, no remonstrating to the Matter of the *Oath*, without condemning themselves; nothing but their own Perverseness to pull this *Deprivation* upon them: A *Deprivation* I confess not so regular as it should have been, being executed altogether by a *Lay Power*; but yet as regular as the Case would bear; and not without a *Commission* neither, according to *Stow* and others, to examine and make out their *Misdemeanours*; the utmost that could possibly then be done, the whole Order of them, *Kitchen of Landaff* only excepted, being at that time under one and the same Guilt, and lay alike open to one and the same Penalty: And had they not for that reason been displaced till there was a College of *Bishops*, or a Court of *Episcopal Delegates* to displace them, they must never for all their *Disobedience*, though never so wilfull and provoking, have been displaced, nor indeed have had their Crimes punished. But what is that to us; or wherein doth it concern the *Bishops* that are now deprived? Had any of them taken *Commission* to surrender upon Demand? Had they at any time before been deprived? Wanted they either *due Titles*, or *canonical Ordination*? Were they

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dained without the presence or *Approbation* of their *Metropolitane*? Or was he himself ordained by such that were so ordained? Was the *Oath* for which they were deprived ever formally tendered to them? Or did it ever appear upon tender that they refused it? Was it of their own framing? Or had they before either taken, written, or preach'd for it? Nay, was it not contrary to their former *Preachings*, *Declarations*, and *Oaths*? Was the *Authority* imposing it, either in reference to *Prince* or *Parliament*, an unquestionable *Authority*? Were any delegated to make out the *Disobedience*? Or were there not *Bishops* enough? Nay, Might not a *Convocation* of the complying *Clergy* have been summoned to have judged and determined of the Case, whether *Culpit* or no? When these things are proved and made out against them; I cannot, nay I shall not but confess their *Deprivations* to be alike; but till then I must be allowed to cry out, *O Tempora, O Mores!* and with the Poet conclude, that

Ætas Parentum, pejor avis, talis
Nos nequiores, mox daturos
Progeniem vitiosorem.

Carm. Hor. L. 3. Od. 6.

30. I am sensible that there are two grand Mistakes in the World, which minister to and hasten on these fatal Proceedings: Some think there is no such thing as *Schism*; others, that though there be such a thing, yet an *Act of Parliament* will authorize the Fact, and justify all; insomuch that through the Midwifery of a *Vote* or two of theirs, God's *Altar* may be turn'd or overturn'd, *Aaron* and his *Priests* deposed, or forced to comply, and a new *Erection*, like that of *Jeroboam's*, though of the worst of Men, made as sacred and divine, as if it were done by *נביא* or a *Voice* from *Heaven*. And from thenceforth if the *Man of God* happen, as his *Duty* binds him, to oppose or gainsay their *Sanctions*, so as their *Mishrinesses* become disoblged; though he be sent of God, as *Aaron* was, though he ruleth well, and laboureth in *Word* and *Doctrine*; nay, though he be doing the *Will* and *Work* of his Master; yet a travelling *Staff*, and a pair of ill clowned *Shoes*, must pass for his double Reward. But how contrary this is to Practice, hath already been shewn; and how diametrically opposite to the genuine Constitutions of this *Church* and *State*, comes now to be demonstrated.

51. *Populus de Republica non de Ecclesia in Parliamentis antiquitus tractare consuevit*; Anciently, saith the Author of *Antiquitates Britannicae*, the People never meddled with Matters of *religiou* Concern in their *Parliaments*, but onely with Matters purely relating to the *State*. Nay, I find by the very *Act of Submission* it self, which was in the Year 1530. That it was customary till then for the *Clergy*, by virtue of the Authority they had in themselves, without any *Ratification* or *Confirmation* from *King* or *Parliament*, to make *Canons*, declare *Heresies*, convict and censure *Criminals*, and to decree and do all other Matters as seemed good to

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De Vir. Warb.

them, in relation to the *Church* and *Clergy*. A Power thought too great to be in the hands of the *Clergy*; whereupon (saith *Heylin*) The *House of Commons* aggrieved at the inequality and supereminency of the Power, remonstrated and complained to the *King*, that the *Clergy* should be permitted to act *Authoritatively* and *Supremely* in the *Convocation*, and they in *Parliament* do nothing, but as it was confirmed and ratified by the *Royal Assent*. This in all probability hastened on the *Submission*; for the *Clergy* soon after being met in *Convocation* (as it is recorded in the aforesaid *Book of Antiquities*) promised the *King* *in verbo sacerdotis, ne ullas decimas in Synodo ferrent Ecclesiasticas leges*, that they would not henceforth enact or execute any *Constitutions* or *Canons* in their *Synods* or *Convocations*, unless the *King* should cause their assembling, and by his *Royal Assent* approve and confirm their *Canons*: But then this only levels them with, and not puts them under the *Parliament*, it leaves indeed their *Decrees* and *Sanctions* to them to be farther guarded and secured, by the addition of their civil *Penalties* and *Inflictions*; but no ways subjects them to them, in reference to the *Validity*, *Authenticity*, or prior *Establishment* of them. And this the learned *Heylin* hath elaborately and fully made out, as to the two first Reigns, both in reference to the points of *Doctrine* that were reformed, and to the forms of *Worship* that were then enjoyed, in his *Book* entitled, *The way of the Reformation of the Church of England declared and justified*; to whom for your farther satisfaction, I refer you and the *Reader*.

Invitâ Crânn
P. 339.

Lib. p. cir.

§2. But not content to bring them down to their own level, their next design and work was to bring them under; and of this the aforementioned *Antiquary* complains; *Ecclesiasticarum legum potestate abdicata populus in Parlamento cepit de rebus divinis inconsulto Clero sancire*; the *Submission* (says he) being made, the *People* in their *Parliament* (as if the *Submission* had been made to them) began to *usurp* upon the *Church's Right*, and without ever consulting the *Clergy*, to debate and agree such things as formerly were held peculiarly to the *Clergy* only. But these (saith *Heylin*) were only *tentamenta*, offers and undertakings only, and no more. And that they were so, and no better, nor otherwise approved of, during the whole Reign of *Q. Elizabeth* (under whom the *Reformation* received its full and perfect establishment) will sufficiently be evidenced from the *Journals* of the *Parliaments* in her days, handed down to us by *Sir Simon D'Ewes*: And I shall give them in the order they lye in.

Ann. 13. p. 167.

Page 166.

Page 176.

When a *Bill* was presented to the *House of Commons* for *Reformation* of the *Common Prayer Book*, it was agreed upon by them, that a *Petition* should be made to her *Majesty* for her *License* to proceed in the *Bill*, before it be farther dealt in; and to do otherwise (saith the *Treasure*) is to meddle with matters of her *Prerogative*; and (as the *Comptroller* phrased it) to run before the *Ball*.

Mr. Strickland having pressed very earnestly the *Reformation* of the *Book of Common Prayer* and other *Ceremonies*, was called before her *Majesty's*

Council,

Council, and commanded to forbear coming to the said House, and when the said Articles of Religion were afterwards presented to her, she answered, That she would have them executed by the Bishops, by direction of her Highness's Regal Authority of Supremacy of the Church of England, and not to have the same dealt in by the Parliament. Page 130.

The Lord Keeper in his Speech to the Parliament by her Majesty's Command, thus utters himself, *Because the proceedings of matters in Discipline and Doctrine do chiefly concern my Lords the Bishops, both for their Understanding and Ecclesiastical Function; therefore the Queens Highness looketh, that they being called together in Parliament, should take the chiefeſt care to confer and consult of these matters; and if in their conference, they find it behoofull to have any Temporal Acts made for the amending and reforming of any of these lacks, that then they will exhibit it here in Parliament to be considered upon, and so gladius gladium juvabit, as before time hath been used.* Ann. 14. p. 193.

The Speaker declared to the House of Commons, That it was her Majesty's pleasure, That from henceforth no Bills concerning Religion shall be preferred or received into this House, unless the same should be first considered and liked by the Clergy. Page 213.

Upon the presenting the Petition concerning the Reformation of the Discipline of the Church; her Highness answered, That her Majesty, before the Parliament, had a care to provide in that case of her own disposition; and that at the beginning of this Session she had conference therein with some of the Bishops, and gave them in charge to see due Reformation thereof, wherein as her Majesty thinketh, they will have good consideration; and if that the Bishops should neglect or omit their Duties therein, then she by her Supreme Power and Authority would speedily see such good Redress therein as might satisfie the expectation of her loving Subjects to their good contentation. Ann. 18. p. 257.

Mr. Wentworth moved in the House of Commons for a Publick Fast, and it was carried by fifty voices, which being told to the Queen, she sent a Message to the House, shewing That her Highness had great admiration of the rashness of the House, in committing such great and apparent Contempt of her expresse Command, to put in execution such an Innovation, without her privy or pleasure first known. Whereupon Mr. Vicechamberlain moved the House to make an humble Submission to her Majesty, acknowledging the said Offence and Contempt, and to crave Remission for the same, with a full purpose to forbear committing of the like: So by the Suffrage of the whole House Mr. Vicechamberlain carried their Submission to the Queen accordingly, which she accepted; but with a Monition, That they do not misreport the Cause of her Mislking, which was not for that they desired Fasting and Prayer, but for the manner in presuming to indit a form of publick Fast, without her Order and Privy, which was to intrude upon her Authority Ecclesiastical. Ann. 23. p. 284.
Page 285.

Page 201. Upon sundry Motions touching some *Reformation* in matters of *Religion*, contained in the Petitions exhibited to the *House of Commons*, it was resolved by the whole House, that Mr. Vicechamberlain, &c. by Order of this House, and in the Name of the whole House, should move the *Lords of the Clergy* to continue unto her *Majesty* the prosecution of the Purposes of *Reformation*; and also farther impart unto their Lordships the earnest desire of the House for the Redress of such other *Grievs* contained likewise in the said Petitions.

Page 303. But not finding the thing done to their liking, they afterwards petitioned the Queen, and received for an Answer, That as her Highness had the last Session committed the Charge and Consideration thereof unto some of her *Clergy*, who had not performed the same; so she would soon commit the same unto such others of them, as with all convenient speed, without remissness or slackness, should see the same accomplished accordingly, in such sort as the same shall neither be *delayed* nor *undone*.

Ann. 27. p. 345. The *Lords of the upper House* being pressed to join with the *House of Commons* for redressing some of the aforementioned *Grievances*, answered, That they were present when her *Majesty* gave Commandment not to deal in the *House of Commons* with Matters concerning *Religion*, or the *Church*, without her Highness's Pleasure first known; and do take the same Commandment to extend as well to their Lordships as to the *Commons*; and therefore have resolved, That those of the *Lords* which are of her *Majesty's* *privy Council*, do first move her Highness to know in *Majesty's* Pleasure therein, before they proceed any farther in the Matter.

Ann. 28. &
29. p. 412.

Mr. *Lenkyor*, *Hulston*, *Bainbridge*, and *Cope* were sent unto the Tower for intermeddling with Matters touching the *Church*, which her Highness had so often inhibited; and Motion being made by Sr. *John Higham* for the setting them at liberty, Mr. Vicechamberlain answered, That perhaps they might be committed for somewhat that concerned not the Business or *Privilege* of the House.

Ann. 31. p. 438. Mr. *Davenport* moved for some *Reformation* in *Church* matters; but this motion was check'd by Dr. *Wolley*, because contrary to the Inhibition of the *Queen*.

Ann. 35. p. 460. The *Ld. Keeper* told the *Speaker* of the *Commons*, That their *Privilege* was not to speak what cometh into their Brains to utter; and that it was her Highness's Pleasure, That if he perceived any *idle Heads* to meddle with reforming the *Church*, by exhibiting Bills to that purpose, that he received them not untill they be reviewed and considered by those who it is fitter should consider of such things, and can better judge of them.

Page 479. Mr. *Speaker* tells the *Commons*, That it was not her *Majesty's* Pleasure that the *Commons* should meddle in matters of *State*, or *Causes Ecclesiastical*; That she wondred that any should be of so high Commandment to attempt a thing so expressly contrary to that which she had forbidden

and that her express commandment to him was, that no *Bill*, touching the said matters of State or Reformation in Causes Ecclesiastical should be exhibited; charging him upon his Allegiance, That if any such *Bill* be exhibited, not to read it.

Mr. *Morrice* (an Attorney of the *Dutchey* of *Lancaster*) moved for reformation of Ecclesiastical proceedings; Mr. *Dalton* answered, that the Ecclesiastical Government was distinct from the Temporal; and that her Majesty had commanded them not to meddle in such matters. And Dr. *Heylin* tells us, that the proceedings of this *Morrice* so angered the *Queen*, that she caused the person of the said *Attorney* to be seized upon, deprived him of his places in the *Dutchey* Court, disabled him practising as a common Lawyer, and finally shut him up in *Tutbury-Castle*, where he continued till his death. By which severity (says he) and keeping the like constant hand in the course of the Government, she held so great a curb on the *Puritan Faction* (the great disturber of the Ecclesiastical Settlement) that neither her Parliaments nor her Courts of Justice, were from thenceforth much troubled with them in all the rest of her Reign. So that now lay all these Premises together; how that no such *Bills*, touching *Ecclesiastical Affairs*, are to be received into the *House of Commons* without her Majesty's privy and pleasure, or unless previously considered and liked by the *Clergy*; that all proceedings tending thereunto are avowed injuries to the *Queen's* Supremacy, and her Ecclesiastical Authority; that the *Bishops* and *Clergy* are fitter persons to consult about and order such matters than the *Parliament*; that the Ecclesiastical Government is distinct from the Temporal; and the Penalties of the latter, are only to abet and enforce the Results of the former; that their attempts to gain a Superiour Jurisdiction have always been check'd and ended in disappointments; and that the persons so attempting were some of them forbid the House, others turned out of their Offices, and others sent to the *Tower*, though at the same time actual Members of Parliament, without having their hard usage remonstrated against, or their persons remanded; that this was in the best of Reigns, and soon after the *Reformation* was compleated; nay, finally, that there was a present *abrenunciation* of all such Power made, and as absolute a *submission* as ever had been made by the *Clergy* in *K. Henry VIII's* days; and it will demonstratively appear, that the Parliament never had, or at least cannot now pretend to have any such Power, but that when they attempt to meddle and decree in such matters, they are perfectly out of their *Sphere* and *Bounds*, and so far forth too, that their *Acts* can be no otherwise accounted of than encroachments, and their *Penalties* little less than *Oppression*.

53. Mistaken too often they are in their own affairs, but never so much as when they arrogate to themselves the full command over *Religion*: A sad instance whereof we have in the late *Rebellious Parliaments*, whose *Ordinances* (though but of small continuance) proved far more bloody and

Page 474.

Pref. to. Hist.
of Ref.

and undoing, than all the *Canons* that had been made since the beginning of the *Reformation*. Hence being Masters of the *Sacerdotal*, as well as *Regal Power*; they in the first place fell foul upon the *Bishops* (the *Fathers* and *Governours* of the *Church*) and not only took away the *Lives* of some, the *Liberties* of most, and the *Estates* of all; but, to the everlasting scandal of *Christianity*, they voted away * the whole Order of them, sacrilegiously declaring † their *Government* to be evil in it self, justly offensive and burthensome to the *Kingdom*, and a great impediment to the *Reformation*; though a *Government* coeval with *Christianity*, universally received throughout the whole *Christian World*, and continued down to the several *Provinces* thereof (and in *Britain* as well as elsewhere) without the least contradiction, from the *Apostles days* unto our own. And in their room and stead set up a company of *Schismatical Presbyters*, supporting them with a new Sect of *Lay-Elders*; the former never permitted in the *Catholick Church*, and the latter never heard of in the *World*, for the first fifteen hundred years after *Christ*. Thus advanced, they next quarrel the *Service Book*, * vote it out of the *Church*, and force the *Church-Wardens* † to turn *Traditors*, and deliver them up to the *Committees* of the respective Counties to be destroyed; permitting the reading thereof soon after to be ranked ‡ with the horrid crimes of holding or maintaining *Blasphemous* and *Atheistical Opinions*; of being guilty of *Cursing*, *Swearing*, and *Perjury*; of *Adultery*, *Fornication*, *Drunkenness*, and such other abominable Crimes; with order to the *Justices of the Peace* to be as careful to suppress the reading of the same, as of *Ale-houses*, and the before-mentioned abominations; though a Book eminently ministering to the best *Reformation* that ever happened in the *Church*, composed by *Pious* and *Orthodox Men*, who stuck not to seal their Profession with their blood; the laying aside whereof in *Q. Mary's* Reign, was declared in the ensuing Reign by the united Wisdom of the Nation in their *Parliament*, to be to the great decay of the due Honour of *God*, and discomfort to the professors of the truth of *Christ's Religion*: And all this to trump up their beloved *Directory*, a *Form of Worship* plainly accusing the *Primitive Church* of indiscretion; and which may be abused by the ignorance or malice of every one that uses it; liable to *Heresie* and *Blasphemy*, as well as to ridiculous *Indecencies*, *Folly* and *Profaneness*; an Office that never absolves Penitents, hath no *Blessing*, no *Creed*, no *Hymns*, no external *Adoration*, no *Amen*; and in truth a form of Prayer without a form, or so much as a Prayer in it, the *Lord's Prayer* it self being left to the *Capricchio* and *Pleasure* of him that officiates. Thus engaged they hurry on to the turning out all the *Regular, Loyal, and Conformable Clergy* of the Land, under the notion of *scandalous delinquent Ministers*; which upon trial, proved so constant and steady, that *Zechary Crofton* (one of the Chieftains of the Party) thought it matter enough to boast of, that among the ten thousand *Clergy* in the *Church*, they had gained six hundred of them, (a poor pittance *God* wot) to comply and subscribe their

* Scobel Jun.

12. 1643.

† Oct. 9. 1646.

Aug. 29. 1648.

* Jan. 3. 1644.

† Aug. 23. 1646

‡ Cromw. Let.

to Judge Gar-

ford's Pet.

1655.

Eliz. 1. cap.

Direct. &c.

its Pref.

Aug. 23. 1647.

Fowles Hist. of

Pret St. l. 3. c. 1.

Covenant: And then, rather than be without, whosoever would they consecrated; making the lowest of the People *Priests* of the high places. The Author of the *Dissenters Sayings*; represents us with a Page 8. Catalogue of some of them, and by them you may guess at the rest, *Godly, Painful and Laborious Preachers, Fulcher the Egg-Man, Hobson the Taylor, Gree the Felt-maker, Spencer the Coachman, Potter the Smith, Durance the Wash-ball-maker, Debman the Cooper, Heath the Coller-maker, Rice the Tinker, and Field the Bodys-maker.* Neither could much better upon the outing of the other be expected; since the two *Universities*, those Seminaries of the Church, designed for the supply of the vacancies thereof, were forced to run the same risque, and to undergo the same fate as the *constituted Clergy* of the Land had done. And no question, like *Preachers like Doctrine*! So leud, extravagant and vile, that many of themselves, being by experience made sensible thereof thought fit to complain, and, when it was too late, seek for redress; you have, most noble Senators, saith Mr. *Edwards*, done worthily against *Papists, Prelates, and scandalous Ministers*; but what have you done against *Heresy, Schism, Disorder*? What against *Seekers, Anabaptists, Antinomians, Brownists, Libertines*, and other *Sects*? You have made a Reformation, but with the Reformation, have we not a Deformation, and worse things come upon us than before? You have put down the *Book of Common-Prayer*, you have cast off the *Bishops*, you have taken away *Ceremonies*, you have caused the *Imagies* to be broken down, of the *Trinity, Christ, the Virgin Mary, and the Apostles*; and instead thereof there are those rose up among us, who throw away the *Scripture*, ridicule the *Ministry*, cast away the *Sacraments*, and overthrow the *Trinity*, deny *Christ*, undervalue the *Virgin*, and disown the *Apostles*. The *Sects* have been growing ever since the first year of your sitting, and have every year encreased more and more, and if *Schism and Heresy, &c.* be let alone, and rise proportionably for one year longer, we shall need no Enemy from without to undo us. Thus it fared with our oppressed Church in those days, till her *King and Priests* were despised, her *solemn Feasts and Sabbaths* forgotten, and the *Sanctuary* abhorred; and I am afraid thus it will prove again, if *Erastus, his Demagogues and his Party*, ever any more happen to dictate Religion to us.

64 And thus I have freely delivered my thoughts concerning this *Subject*, insomuch that if you or others will but seriously reflect and consider what hath been offered thereon from authentick and undeniable Testimonies, you may readily perceive the reason why so many of us at present refuse the *Communion* of the new *Bishops*, and perform our Devotions separate by our selves, under the presidency of our old ones. The *Communion* it self was difficult (if at all tollerable) before the rent was made; for as *Balaam* said to the Messengers of *Balak*, *How shall I Numb. 23. 8.* curse whom God hath not cursed? Or how shall I defy whom the Lord hath not defied? How could we make him our Enemy, or pray that God would confound

Hist. Oxon. 1
Quar. Cant.

Ep. Ded. part
1. Gang.

confound his *devices*, whom we durst not lift up our hands against, nor so much as curse, no not in our thoughts? How could we upon our bended knees, with our eyes lifted up unto Heaven, go along with the *Priest*, and with a blessing to attend his Spirit, when our Consciences in the interim told us, that we must either say our *Prayers backward*, or play the part of the greatest *Hypocrites* in the World? "Certainly it is better (as King *Charles* the First said, when they would suffer him to have no other *Chaplains* to pray with him in his Solitudes, than what they put upon him) "to seem undevout, and to hear no Mens Prayers, than "to be forced to comply with those Petitions, to which the heart cannot consent, nor the tongue say *Amen*, without contradicting a Man's own Understanding, or belying his own Soul. Terms of *Communion* may happen to be so sinful and unjustifiable, that a good and devout Christian ought rather to absent than to joyn in with them; into this strait *Gaius* was brought, between the corruptions in the *Roman*, and the want of Orders in the *Reformed Church*, which made him to be *Segrex*, a *Separatist* and *Devotee* by himself: And St. *Ambrose* was so incensed against the *Bishops* that took part with *Maximus* that had invaded the *Empire*, and put by *Valentinian*, that he did *abstinere ab Episcopis*, withdraw from them, and refused all *Communion* with them; and if it once comes to that pass, that we must either be alone, or so communicate, I think much safer, to use the words of the before recited *Martyr*, to be condemned to the woe of a *Va soli*, than to that of *Va vobis Hypocritis*, by seeming to pray what we do not approve; especially considering that of St. *Cyprian*, *solus non est cui Christus in fuga comes*, that he is never alone, nor without the benefit and blessing of publick *Communion* (if driven thence for Religion sake) who hath *Christ* along with him for his Companion; *nee sine Deo*, nor without God and the influences of his Spirit, be he were he will, if he do but keep himself free from the pollutions that defile the Temple of the Lord; whose Temple ye are, saith the *Apostle*, speaking of those who would have nothing to do with the *Temporizing Gnosticks*, their *Doctrine* and their *Communion*. This was the difficulty we laboured under then, and should we now any longer consent and communicate with them, seeing they have cut themselves off from their lawfull Bishops, and turned Subjects to those that have usurped their Thrones, we should unavoidably involve our selves in their *Schisms*, and there lie as open to the punishment thereof, as they did who ran in unto *Corah*, and took part with his *Confederacy* to cast off *Aaron*, and set up a *Priesthood* against him. St. *Cyprian* highly commends the *Presbyters* and *Deacons* who refused to communicate with *Gaius*, a fellow and neighbouring *Presbyter*; because he was found to be present at the Prayers of the *Lapfi*; and tells them, that by so doing they did act uprightly, and consonant to the Discipline of the Church. Nor is it enough to plead as the *Confessors* did at *Rome*, *sincera mens nostra*, we liked well of *Cornelius* and always went along with him in our hearts, when at the same time

ΕΙΣΩΝ ΒΑΣΙΛ.
ch. 24.

Watson Pref.
Lib. 5. Ep. 27.

ΕΙΣΩΝ ΒΑΣΙΛ.
ch. 24.

Ep. 58. Pleb.
Thib.

1 Cor. 3. 16, 17.

Ep. 34. Presb.
Diac.

Cornel. Cyp.
Ep. 49.

they took in with *Novatian*, and became followers of him and his *Schism*; or as they in *Athanasius's* timid, who came to him (*Nicodemus* like, in the night) to beg pardon for their Apostacy, *Nos animo Synaxin cum Athanasio*, we are ever present with *Athanasius*, and at his *Synaxes* with our Souls, when upon all occasions they daily appeared in the *Assemblies* and *Meetings* of the Schismatical *Gregory*, his Bishops, and his Presbyters. Neither can any peace be expected to be given to such, unless the *Schism* be abjured. *His ita gestis*, these things being resolved on, saith *Cornelius*, concerning the returning Confessors, *Maximus, Urbanus, Sidonius, Macarius*, and many more, *qui se eis adjunxerant*, who had joyned themselves to them in their *Schism*, in *Presbyterium venerunt*, came into the Consistory, and more earnestly beg'd that all their Schismatical compliances might be pardoned: And at the same rate *Arsenius* Bishop of *Hypopolita*, with his Presbyters, Deacons, and Followers, submitted to *Athanasius* the Patriarch; we, say they, *diligentes pacem & unanimitatem*, earnestly coveting the Peace and Unanimity of the Church, and willing according to the antient constitution to become obedient to the Ecclesiastical Canon, do in the presence of God solemnly promise, *nos deinceps non communicabimus cum Schismaticis*, never henceforth to communicate with Schismaticks, nor with any one else to whom the peace of the Church is denied, be they Bishops, Presbyters, or Deacons, nor have any thing to do with them; neither send or receive Letters of pacification from them; but for the future wholly to give our selves up to the Church's Canons, and the direction of you our Metropolitan. And indeed, lest than this cannot hope to speed, *ecce incolumis & immaculata laudis integritas*, behold, saith St. *Cyprian*, that's the unblemished and Praise-worthy repentance, that's the incorrupt and substantial return, *a desertoribus & profugis recessisse*, to desert the deserters, and to fly the fugitives; to bid adieu to the betrayers of the Faith, and the impugnors of Catholick Unity. And certainly the sooner this is done the better; lest being once out of the Church, and no longer assisted by the Spirit of Grace that goes along with it; we be driven from Post to Pillar, from one point of the Compass to another, and go we shall (provided Poverty or Disgrace, Cross or Faggot be not in the way) till we have made Shipwreck of the Faith; and in the end finding our selves at the brink of the Precipice, and not able to return or go farther, we contentedly drop down and perish. Thus it was with the *Meletians*, *non est sperandum ut Antichristo Meletiani resistent*, it's now no longer to be hoped (saith *Athanasius*) that the *Meletians* should oppose *Antichrist*, or resist his coming; for they have thrown off all care of truth, count it no sin to deny Christ, but (*Camelian* like) transform themselves into all shapes and colours, *semper mercenarii*, always at the lure and beck of those they live under, and throughout all, preferring Ease before Verity; till adding themselves to Voluptuousness and Pleasure, they conclude with an *ede bibe, let us eat and drink, for to morrow we die*. The saddest fate that can befall Men

Ep. ad solict

vit.

Ep. 49. Cypri

Athanas. Apolog. 2.

Ep. 51. Cornel.

Ep. ad fol. vit.

in this World, and such an one that God inflict on none, but the work of sinners; and not on them neither, till he consigns them over (as I oft) to everlasting desolation. So that whatever other punishment Heaven shall think fit to lay upon me, whilst I am in my journey; I heartily pray it may not be my doom, to be delivered up to an obdurate Heart, a reprobate Mind, a careless Spirit, or a feared Conscience.

55. And here, kind Sir, I had thrown my Pen by, had not you sent me a late *Treatise* of Mr. Hody's, wherein he endeavours to prove from a Greek Manuscript out of the publick Library at Oxford, That there was never any separation from the new Bishop, though uncanonically introduced into the room of another, where there was not *Heresy* in the case. As for the Manuscript it self, I leave it to others to inspect and examine; however I cannot but in my own defence observe,

First, That all the instances therein produced, are of much later date than those produced by me; His not beginning till Mine do end: Most of them the results of the middle and corrupt Age of the Church; and therefore of little or no force against the Practice of the more Primitive and purer Age thereof, to whom mine do pretend. Nay, were the Practices of those times to be urged and allowed for Precedents, I can see no reason why the Latine Church should not be permitted the privilege of them, to prove the corruptions of their Doctrines, as well as the Greek Church, to prove the irregularity of their Discipline. A thing (I am apt to think) Mr. Hody and his Party would have been shie some few years ago, if have consented to.

Secondly, That in all the instances touching the various Schisms produced by me, there is no concern of *Heresy* in the case; and yet the post-ordained was always postponed, and as much rejected by the Church, as if he had been as deeply tainted with *Heresy* as ever *Heretick* could be. This Mr. Hody denies, but 'twill undeniably be made out by reflecting on, and calling back some of the former instances to a farther review. And because *Novatianus* was the first that I instanced in, and (for ought it appears to me) the first that ever made a Schism in the Church, I shall begin with him; and I suppose it will not be denied, but that if there had been any *Heresy* in the Master, it would have been followed and propagated by his Scholars with the Schism; nay, the longer the Schism lasted, the worse would the *Heresy* have been; and yet I find that in *Constantine's* days (which was near 100 years after the Schism began) when he set forth his Edict for the putting down the Meetings of *Hereticks*, the *Novatians* were not so much troubled about it, because as *Sozomen* relates the matter, τὰ αὐτὰ περὶ τὸ αἰῶν τῇ καθόλου ἐκκλησίᾳ δεξαμένης, they held the same Doctrines as the Catholic Church did: And so it was in *Theodosius's* Reign near forty years after that. He admiring (saith *Socrates*) αὐτῶν τὴν καὶ τοῖς ὁμοῖς κατὰ τὴν πίστιν ὁμόνοιαν, the consent and harmony of the *Novatians* touching the Faith, though he had banished all sorts of *Hereticks*, yet decreed, that they should enjoy their own Assemblies, and have such liber-

Lib. 2. c. 30.

Lib. 5. c. 10.

ty and privileges as the other Churches of the same Opinion and Faith were wont to have. And when *Atticus* of *Constantinople* was some time after that moved to drive them out of the City, Do you not know, faith he, as the same *Socrates* relates; what grievous Persecutions and Trou-
 bles they endured with us for the Faith; adding, that though they had been of old divided from the Church, yet ἵσταντες τὴν πίσιν ἐκκλησίαν, they never attempted to introduce any Novelty as touching the Faith. The like we find verified of the Schismatical Donatists, whose Schism arose (as hath been shewn) by *Majorinus* his being uncanonically placed in the Chair of *Cacilian*, who was staid there before him. And therefore *St. Austin* being sent to by *Boniface*, one of the Emperor's Life-Guard, to give him an account of the Donatists Creed; hi plurimi se dicant omnino credere quod Catholica credit Ecclesia, many of them (saies he) do say, Ep. 50. that they perfectly believe concerning the Holy Trinity, as the Catholick Church believes; neither is there any difference between the one and the other, sed de sola communione infelicitur litigant, but only the Donatists perversely separating themselves from the Church to break the Unity of it, which is the sole cause of the contention between them. The same is granted by *Optatus* in his Book against *Parmenian* the Donatist; Et apud vos & apud nos una est Ecclesiastica conversatio, communes lectiones, eadem fides, ipsa fidei Sacramenta, eadem mysteria; there is, faith he, with you, Lib. 5. p. 99. and with us, one and the same Ecclesiastical Discipline, the same Scriptures, the same Rule of Faith, the same Administration of Sacraments, and the same Mysteries: And yet though so alike in all things else, purely because descended from *Majorinus*, who was Posterior to *Cacilian*, all kind of Communion was denied them. The same was verified of *Meletius* the *Lycopolitan*, and his Faction; for though he ordained and constituted Bishops in all places where ever he came, in opposition to the Bishops already placed, thereby disturbing the Church with his New and Schismatical Ordinations; yet, saies *Epiphanius*, he adhered notwithstanding to the Catholick Church, and the avowed Faith thereof, ὃ γὰρ τὴν καθολικὴν ἢ πίσιν αὐτὸς ἐν καιρῷ τινὶ τῆς καθολικῆς ἐκκλησίας, neither did he at any time afterwards in the least swerve in the same. Nay, though he lived a long while after that he first set the Schism on foot; yet, faith my Author, ἐμεινεν τὰ πρὸς τῆς ἐκκλησίας ὅτι ἐδὲν ἔχεν παραλλαγίσαν, He all along studied the good of the Church, and never taught any thing contrary to the Faith thereof. Thus it fared in the debate at *Antioch* between the followers of *Meletius* and the followers of *Paulinus*; they held their Synaxes apart, faith *Theodorit*, ὃ ἦν μὲν τῶν κακόντων μία ἡ ὁμολογία τῆς πίστεως, and yet both of them professed one and the same Faith, and firmly adhered to the Doctrine of the *Nicene Fathers*. Neither did the death of *Meletius* put an end to the Controversy, for no sooner was he gone, but his Party not accepting *Paulinus*, which had been Co-bishop with him, chose *Flavianus* into his room; and then the Church of *Antioch* was divided again, διὰ τῆς ἐπισκοπῆς, ὃ μὴν διὰ τὴν πίσιν, not about the Faith, faith
 Hist. l. 5. c. 9.

Lib. 7. c. 25.

Lib. 5. p. 99.

Adv. Hær. l. 2.
Tom. 2. Hær.
18. Sect. 1.

Id. eod. S. 3.

Hist. l. 3. c. 4.

Hist. l. 5. c. 9.

Socrates, but about their *Bishops*. Once more, and then most or all my instances (*Chrysostom* excepted, of which more anon) will be reviewed and made good, and that relates to *Liberius* and *Felix*: *Liberius* was banished, and *Felix* his *Deacon* was made *Bishop* in his stead; a Man, saith Hist. l. 4. c. 10. *Sozomen*, ἐν ἐμὸν ἐστὶν φασὶ διαμῖναν, κατὰ τὴν πίστιν τοῖς ἐν Νίκαια συναλευδύσιν, always reported to be firm to the *Nicene Faith*, καὶ παντελῶς ἀνεκλῆτος ἐν ταῖς ἀντιπαλῶν, and as to matters of Religion altogether blameless. And yet when *Liberius* was recalled from his banishment, *Felix* was forced to retire; nay, the People of *Rome*, though requested thereunto by the Hist. l. 2. c. 17. *Emperor*, would not so much, according to *Theodoret*, as suffer him to remain Copartner with the other in the *Bishoprick*. From whence it was evident, let Mr. *Hody* say what he will to the contrary, that there is something more required in a new *Bishop*, than barely to be Orthodox in the Faith, and Catholick in his Belief; and that plainly is, if the *Canons* of the Church, which were of old looked upon in Sacredness and Authority next to the *Evangelists*, may umpire and determine; not to invade another *Bishop's See*, the *See* not being forfeited, made void, or vacated by the *Canons* of the Church: A rule of such Catholick Authority in the Church, that the known Violators of it were no less rejected from its Communion, than were the Violators of the most holy and sacred *Evangelists*; and though otherwise never so deserving a *Bishoprick*, adjudged ever after altogether unfit to preside and govern in the Church. Nay, I cannot but in the third place observe, and still my eye is upon Mr. *Hody*,

Thirdly, That when *Heresy* prevailed, and made its *Bishops* and its Party, the *Canon* against Intrusion was no less pleaded against them to render them *uncanonical*, than was their *Heresy*. Hence we find *Julius* of *Rome*, after he was informed of the Invasion made by *Gregory* the *Arian* upon *Athanasius*, Patriarch of *Alexandria*, complaining no less of the irregularity thereof, than as if there had been no *Heresy* at all in the case; καὶ οὕτως κατὰ τὴν ἐκκλησιαστικὴν, ἢ ποῖα πατρίδος ἀποστολικὴν τοιαύτην; where, saith he in answer to his Letter from *Amiöch*, is there any such Ecclesiastical Canon, or any such Apostolical Tradition: That a Man who is a Stranger or a Foreigner should be made *Bishop* at *Amiöch*, and sent to *Alexandria* to be *Bishop* there, introduced not by the Clergy of the City, nor by the *Bishops* of the Province, but by a Guard of *Russians* and *Souldiers*, ἀπὸ ἡγεμονίας ἐκκλησίας, καὶ ἐπισκόπων ὁμοθυμῶν ἐχούτων πρὸς τὸν ἐπίσκοπον τῆς Ἀλεξανδρείας Ἀθανάσιον. The whole Church at that same time being at peace within it self, and all the *Bishops* of the same in perfect Communion and Concord with *Athanasius*, their lawfull and proper *Bishop*; consider, I pray you, if such a thing had been acted against any of you, ἐν αὐτῷ ἑσθίοντι, ἐν αὐτῷ ἡγούμενῳ ὡς παλαμῖνον τῶν κατὰ τὴν ἐκκλησιαστικὴν; Would you not have inveigled against it? Would you not have required satisfaction for so palpable a Breach of the *Canons*? Believe me, and I speak it, saith he, in the sincerity of my heart, and as in the presence of God ἐν ἑστὶ τῷτο εὐσέβει, ἐστὶν νομικῶν, ἐστὶ ἐκκλησιαστικῶν, it is no ribbidge.

Athanas. Apol. 2.
p. 201.

was doing, not according to Equity, nor according to Canon. Nay, so incensed were the Ecclesiasticks at this Invasion of his, that none of them would go unto him, *οὐ μὴ μόνον οἱ ἀρεσκοντες, ὅτι οἱ δὲ αἰτίας ἐκβληθέντες, ὅσοι* *οὐκ ἐπὶ τὴν ἀνάγκην τῆς ὑγαιμονικῆς ὑποκειμένου, except some that were Hereticks* like himself, some that for their irregularities had been cast out of the Church, and some few that had play'd the Hypocrite out of fear; yea, and so enraged were the People against him, that being deprived of their lawfull Ministers so as to have none left either to baptize or to visit them in their sickness, *ἀντιβῶν μᾶλλον ἔτι νόσον ὃ καὶ κινδυνεύειν ἢ χεῖρα τῶν Ἀρειανῶν ἐλθεῖν ἐπὶ τὴν κεφαλὴν αὐτῶν,* they rather chose to hazard themselves and their Children, than to have him and his Clergy to bless them: I confess this might arise in a great measure from their disgust to him, his dealings, and his Arianism; but withall something of it cannot but be ascribed to the aversion they had to this uncanonical Promotion; for being afterwards under a far worse usage by Count Syrianus, they applied themselves to Maximus the Praefect, and other of the Magistrates, telling them, that if it were the Emperor's pleasure to have them persecuted, they were willing and ready to be Martyr'd; but if not, then they that would be pleased to intercede for them that they might enjoy the most Reverend Athanasius, whom God *κατὰ διαδοχὴν τῶν πατέρων ἡμῶν* according to the wonted succession of their forefathers, had set over them to be their Archbishop; and that no other, contrary to such succession, might be put upon them, *ἵνα μὴ ἄλλος τινὲς ἐπίσκοπος διαχειριστοί, παραγγεῖν αὐτοῖς, μαχέσθαι θανάτῳ ἐξ ἡμετέρων,* which rather (say they) than suffer, we have even unto death resisted. A zeal that attended the Primitive Christians from the very first to the last, and as hard to let go, as the Faith it self. And this in a manner is confess'd by Mr. Hody himself, at least by his Prefacer, who tells us, that at the time the Manuscript was wrote, there was a Party of Men, Friends to the deprived, says he, but perhaps more to the Discipline and Canons of the Church, who adhering to him, I suppose, because uncanonically deprived, gave out that the former was still their Genuine and Canonical Bishop, and that it was sinfull to have Communion with the new one. And this as he guesses, was in the end of the Twelfth or the beginning of the Thirteenth Century. It seems the Canon for one Bishop in a Church at a time, and the inconveniency of having more, unless the first be Canonically deprived, even till then was retained in the minds of Men, and endeavoured after for the good of the Church (if possible) to be received. Nay, I cannot but consider in the fourth place.

Fourthly, That if there be Heresy in the case, tho' rising from the more nice and speculative Doctrines of Christianity; the deprived Bishops are then, according to Mr. Hody, "to stand upon their Right, and the People "to adhere to them. And if so, then certainly much more, when the practical Doctrines of Faith, Justice, and moral Honesty, and the Commandments that enjoin them are concerned; which practical Doctrines and Commandments are as holy in themselves, as dear to God and the Church,

Athan. Ep. ad
Orthod. p. 171.

Pope Alex. Ec.
Sub. Athan.
p. 240.

Vide Pref.

Church, as the more speculative Doctrines, the *consubstantial Doctrine* not excepted; and more than other nice Theories which occur in the Controversies concerning *Eutychianism*, *Monothelitism*, &c. the believing contrary to which is called *Heresy*. Inasmuch that if a deprived Bishop in the Greek Church, must and would have stood out against an *Eutychian* or *Monothelite Successor*, and defended his Church against them; much more our deprived Bishops to stand out against their *Successors*, in defence of those *moral Principles*, in adherence to which they suffered *Deprivation*. Doubtless a virtuous and good Life was as much intended and promoted by our *Saviour* in the establishment of his Kingdom amongst us, as a good Faith, or a right Belief; and his *Apostles* and *Ministers*, to whom and to whose *Successors* the care of the Church was committed, had it as much in charge to propagate the one as the other. Dr. Sherlock hath been heard to say, That he would as soon turn Arian as take the new Oath of Allegiance; of such concern he then thought the practical Doctrines to be: And well he might, when the Lawgiver himself hath expressly told us, That whosoever shall break one of the least of these Commandments, and teach men so to do, shall be called the least in the Kingdom of Heaven; so far the least, say *Interpreters*, that when the enquiry shall be made for the breakers thereof, they shall not be found to have a Name there. I confess Bishops, the most unjustly deprived, have often ceded and acquiesced under their *Deprivations*; but then this they did, foreseeing that no hurt would accrue thereby to the interest of Christianity, either in the speculative or practical Doctrines thereof; they considered that the loss would only be their own, *ὅτι γὰρ αὐτ' ἑμὲ ἡξῆστο τὸ διδασκαλίῳ, ὅτι οἱς ἑμὲ ἐπὶ καθήκοντι*, the Office of teaching, saith St. Chrysostom in a like case, neither began from me, nor will it end in me. But if the Cause of God and of his Church thereby do suffer, if Justice, Faith, common Honesty, and whatsoever is pure, whatsoever is lovely, whatsoever is of good report, or praise worthy, be thrust out of the World, and all sorts of Immorality and Vice brought into their room; nay, pass for Virtue, or not be owned to be Sins: If Duty to Parents must cease, if Obedience to Magistrates must fail, if Oaths must be no security, nor any longer be counted Sacred; and if that unspotted Loyalty which hitherto hath attended and made the Church of England so famous and so beloved of Princes, must be deserted and abandoned, as false and erroneous; methinks this is such a blemish to Religion, and will prove so great a scandal to the Church, that it should make our deprived Bishops, though otherwise studious of Peace, to resume their Power, and not to suffer the Church, over which God hath made them Overseers, to be ruined by their Cessions; nay, not only to resume it themselves, but because they evidently see their Bishopricks supply'd by persons that already have, and upon any other occasion will be ready to betray it again in these and the like particulars, to take what care they can that these Doctrines and Principles be defended and propagated to Posterity. Doctrines certainly, the most likely of any

Matth. 5. 19.

Pallad. in vit.
Chryst. p. 69.

we profess to cause a rebuilding of our Church; which if *I live to see*, and shall be thought fit to have a place in the *building*, I pray God it may not fall to my *share* to be set up for the *Weather-Cock*. And so I am come to St. *Chrysostom's* Case, which the *Introduction* to the *Treatise* tells us ought particularly to be considered, And here I cannot but observe,

Fifthly, That whatsoever advice St. *Chrysostom* gave either to his *Clergy* or *People* upon his parting with them, from whence Mr. *Hody* and his *Prefacer* would infer a *voluntary Resignation* and *Cession*, it all issued from an apprehension of a sudden and violent death to befall him, as if he were forthwith to be made a *Sacrifice*, and taken out of the *World*. An apprehension with which he was warmly and confidently possessed; for

(saith the Author of his Life, a Bishop then present) ἡμυνόμενος ὁ ἱεράρχης τῷ πνεύματι, *John* being inspired by the *Holy Ghost*, said to his Friends,

Pallad. in vit.

Chryf. p. 67.

τοῦ εἰς ἀδελφοί, pray for me my Brethren, for I am ready now to be offered, and the time of my departure is at hand? and then follows the advice, let none of you desert your *Church*, ἀπολείψω τὸ ἐν ᾧ εἰμι, for

I evidently foresee that I must leave the *World*. The like he enjoyed the *devout Women* upon the same account, Πότες εἰς θυγατέρας, come hither you my *Daughters*, and hearken to what I say; τὰ καὶ ἡμετέρας ἔχει, as ἔγωγε, all things I see are at an end with me; I have finished my course,

and in all probability I shall see your face no more; one thing however I beg of you, that upon this my *failure* you would submit your selves no less to my *Successor*, if fairly set over you, than you have done to me.

Neither were his fears altogether groundless, for it was every where reported καεστρωμένον, that he was to be *beheaded*; Nay, it was not long

Id. p. 68.

before, that his life was twice assaulted; once (saith *Sozomen*) by one that personated himself distracted; and at another time by a *Servant* of *Elpidus*, one of *Chrysostom's* mortal *Enemies*, who, if *Palladius* saith true, νομισθεὶς πνιγέσθαι νομισμάτων, was hired for fifty pieces of Gold

Lib. 8. c. 21.

to dispatch him; and in the attempt slew four and wounded three. From whence it may rationally be presumed, that the advice here given in reference to a future *Submission* unto the *Bishop* that was to follow him,

Page 197.

was purely and wholly ascribable to the persuasion he had of himself, he that was no better than a *dead Man*, willing thereupon to leave peace behind him, at least not to have the *Church* divided upon his account when he was dead and gone; without regard in the least had to an *Intruder*,

either to approve his *Intrusion*, or to allow *Communion* with him. And that this is the true meaning of his advice, will farther appear from the

after behaviour both of persons to whom the advice was given, and of him who gave the advice; as also of other *Foreign Churches*, who thought fit to concern themselves in the *Affair* for the good of the *Church*, and for the maintenance of the *Discipline* thereof. And hence I find,

First, That *John* was no sooner removed, and *Arsacius* put into his *Bishoprick*, but the *People*, (*Populace* and *Rabble* saith the *Prefacer*.) *Bankers* and chief *Citizens*, εἰς τὸ ἀξιωματικόν, persons of place and dignity, say the

Ediffs,

Pall. p. 56. *Edicts*, as if no such *Advice* had been given them, or at least as if it were never intended to take place during his *Life*, holding it not lawful, saith *Sozomen*, to communicate or pray with their new made Bishop, or with any in Communion with him, καὶ αὐτοὶ ἐκκλησιαζόντες, separated themselves from them, and held their Assemblies apart by themselves; Nay, says *Olympius*, who was one of the very Women to whom *Chrysostome* gave the *Advice*, being first fairly solicited, and afterwards by Threats menaced, to renounce *John*, and to communicate with *Arsacius*, οὐδ' ἐπαρμένους βιάσθ' ἐν τοῖς καὶ κοινεύειν, ὁ ποιῶν ἂν μὴ δέμῃ τοῖς ὁμοσεβέσι, Tho' you should compel me never so much against Law and Right to come into his Communion, I will never consent to doe what no pious and good Christian can warrantably do. It seems to own an Intruder, in her opinion, during *St. Chrysostom's* being alive, was an unwarrantable *Aktion*, and unbecoming good and pious Christians, and yet she was a * Deaconess of the Church, regarded and beloved by *Chrysostom* † for her good Deeds; present, as hath been said, when he gave the *Advice*, and upon that account as much to be presumed to be knowing to the Intent and Design of the *Advice* and *Adviser*, as either *Mr. Hody* or his *Prefacer* can be presumed to be.

Secondly, Neither was this the Humour of the People onely, but of the Bishops as well as of them: Hence *Atticus*, Successor to *Arsacius* in the Usurpation, *Chrysostom* being still alive, διατάξας καὶ μηδὲν ἢ ἀνακληθῆναι αὐτὸν ἐπισκόπων κοινεύειν, perceiving, as *Palladius* relates the matter, that none of the oriental Bishops would communicate with him, and that the very People of the City where he was rejected his Communion, procured the like Prescript of Severity as *Arsacius* his Predecessor had done before him, which was either to communicate with him, or to be deposed from their Bishopricks, and to have their Estates and Goods confiscated. But how little this *Edict* prevailed, the Issue and Event thereof will shew: Some of them, saith *Palladius*, οἱ Ἰωάννη κοινονικῶν, for continuing their Communion with *John*, were imprisoned, and there dyed; some were sent into Banishment, of whom *Palladius* to whom the *Advice* was given was one; some of them were beaten, and some slain: Nay, notwithstanding all the Severities that these *Edicts* occasioned, οὐδ' αὖτε οὐδ' ἐφ' ἐκκλησιαστικῶν, μᾶλλον δὲ φιλοφίλων ἐκκλησιαστικῶν, the meetings of those that were Lovers of *Chrysostom*, or rather of those that were Lovers of God, were not at all lessened, but as it is written, saith he, in *Exodus*, ὅσοι ἀπέχοντο αὐτοῦ τοσούτω πλείους ἐγένοντο, the more they slew, the more they grew. And certainly if these or any other of the Bishops, to whom *St. Chrysostom* gave the *Advice*, had thought that he had designed it should have took place before his Death, or that it had been fitting it should, they would never have lost their Bishopricks, run such hazards, or undergone such Difficulties for him.

Thirdly, And that this and no other was the meaning of the *Advice*, will appear from the *Advisers* own Behaviour in the case, for being demanded by the Emperour to leave his Church, *Palladius* tells us that he refused

Devit. Chryf.
p. 81.

refused to do it; answering, ἵνα ὡς ὁ Σαῦς, I received this Church
 from Christ, to take care of the Souls thereunto belonging, and I must
 not relinquish it; but the Care of the City is yours, and if I must be
 gone, force me thence by your Authority, ἵνα ἔχω Ἀπολογίαν ἀπὸ τοῦ Στάσιος,
 that I may have some Excuse at least from being absent from my Station.
 Nay, when driven away, so far was he from seeming to have given up,
 and from blaming others who adhered to him, that writing to the Bi-
 shops and Clergy at Chalcedon, who for his sake were there imprisoned,
 he commends them for their undaunted Behaviour in their Sufferings, and
 encourages them to be constant, and under all to concern themselves for
 the Good of the Church, and for the allaying that Storm that was risen
 in it, telling them, οὐδ' ἄρα μὴδ' ἐν γένεσι πλὴν, that though their Care and
 Study might want Success, it would not want its Reward at the hand of
 God. And in another to them he not onely commends them but their
 Cause; ὑμεῖς οἱ νόμοις πατέρων καὶ θεομοίς, you, says he, for adhering to the
 Laws and Constitutions of the Fathers, which others invade and contaminate,
 are made to suffer these things. The like Letters he wrote to the Bishops
 sent from the West to procure a Synod for the further hearing & more righ-
 teous determining his Cause, with all Thankfulness acknowledging their
 pious Care and generous Charity, for undertaking so tedious and dangerous
 a Voyage upon his Account. The like also he wrote to the Bishops and
 Presbyters that attended them in their Journey; the like to many other Bi-
 shops by name; to all the Bishops throughout Macedonia, thanking them
 all, and every one in particular, for the mighty Care and Compassion
 they had for him, and telling them, that not only he, ἀλλὰ καὶ πάντες οἱ ἐν
 τῷ ἀνατολῷ ἡσυχαστοί, but all the Bishops throughout the East, together
 with the Clergy and Laity of the several Cities thereof, were mightily
 transported with their stout Behaviour, in reference to him and the
 Church's Concerns; the like Letter of Thanks he sent to Innocent, Bp. of
 Rome, one of the last, saith Dr. Cave, that ever he wrote; ἐνκατεύσθη ὑμῖν,
 thus englisht by the aforesaid Dr. Cave, We cannot thank you enough for
 that Kindness and Compassion you have shewed us, beyond the tenderest Bowels
 of a Father; for what in you lies you have taken care that all things be duly
 performed and rectified, and run in a proper Chancel, and neither the Laws
 be subjected to Contempt and Force, nor the Constitutions of the ancient Fa-
 thers violated: And though some have hindered your Designs from taking any
 effect, that they now seem incurably disordered, and incapable of a Reforma-
 tion, yet I beseech you still endeavour to reclaim them, and not give the Affair
 over in Despair, considering of what mighty Importance it would be to bring it
 to an happy Issue; and indeed in some measure the whole World is interested
 and concerned in this Matter. The Churches are wasted and brought low, the
 People dispersed, the Clergy subdued and trampled on, the Bishops banished,
 and the Ecclesiastical Canons trodden down: Once therefore and again I beseech
 you to use your utmost Care and Diligence, and the greater the Storm is, let
 your Study and Endeavour be so much the more. This methinks doth not
 look as if he had relinquished his Bishoprick, or that he ever designed

Chrys. Ep. 174.

Ep. τοῖς ἐγ-
καλλέσθαι, Tom.
4. p. 186.Id. Ep. 157.
&c.Id. Ep. 161,
165, 166.

P. 149, &c.

Vit. Chrys.
p. 522.
Chrys. Tom.
4. p. 684.

whilst living, to give place to another ; nay, I am apt to think, that if he would have relinquished, as Mr. *Hody* and his *Prefacer* would have him to have done, he needed not to have been banished, or sent out of the way for another to be put in.

P. 214, 215.

Hist. l. 5, c. 24.

Ibid.

4. Nay, I cannot find but that the *foreign Bishops* were as deeply concerned for his return and restoration to his Bishoprick, as either himself or any of his own Bishops and Clergy were, not regarding his advice, or at least not thinking it fit, or that ever it was designed to take place till he was dead and gone; ὁ δὲ σὺν πᾶσι τῇ ἐκκλησίᾳ Ῥωμαίων ἑστῶς, the design of the *Roman Church* (as it is in *Palladius*) was not to *commu-
nicate* with the *Oriental Bishops*, and more especially with *Theophilus*, the *Author* of these Mischiefs, till God should please to give place to an *Oecumenic Council*, that the sores and wounds which are made in the Church might be healed; for though *John* should sleep, yet truth (for which its quition ought ever to be made) will awake. And I would, says he, σὺν πᾶσι τοῖς ἱεροσυνῇ, πᾶσι τοῖς ὁσίοις, πᾶσι τοῖς μαρτυροῦντες, τῆς φύσεως; πᾶσι τοῖς λαοῖς τῷ Σωτῆρι; Where is the *Priesthood* for the present to be found? where *Religion*? Nay, where *common Humanity*? or so much as our *Saviour's commands* (whilst the Church is under such disorder) can be met with? ταῦτ' ἐξεδίκαζε τὸ διατρέχοντες τὴν ἀδικίαν ἐν τῇ Ἑλλάδι ἐπισκοπῶν, the *Bishops of Europe*, saith *Theodorit*, so much detested the dealings and doings against *John*, that they withdrew themselves from the Communion of all those that wrought that mischief against him, and with them all the *Bishops of Illyrium* did agree. Nay, πᾶσι τῇσαντι τῷ μεγάλῳ διδασκάλῳ, though that excellent Doctor was dead, the *Western Bishops* notwithstanding, were so far from renewing Communion with the *Bishops of Egypt*, of the *East*, of *Bosphorus*, and of *Thrace*, that they would not so much as have a correspondence with them, ἵνα ἐκείνῳ τῷ θανάτῳ ἀντὶ τοῦ ὀνόματος τοῦ πνευματικοῦ ἐπισκόπου ζωῶμεθα, till they had entered the *Name of that Divine Man* into the *Dypticks* of the *Bishops* that were dead. And though *Atticus* (one of the *Intruders*) had often sent *Ambassadors* to them, and as often requested the *Peace* of the *Church* at their hands, yet they would never grant it till *John* was dead, nor then neither, untill he inserted his *Name among the dead Bishops*; which being done, χεῖρ δὲ εἰς ἐκείνῳ ἐδίδξαντο τὴν πομπὴν ἐρχομένην, they from henceforth, saith the same *Theodorit*, received him into Communion; and without doubt, thereby accepted and authenticated him, and his Ordinations, purging the Stream of Succession for the future; so as that it might run pure and clean down to Posterity, without taking their irregularities along with it. And if so, then the following instances of *Maximian*, *Proclus*, and the rest of *Atticus* his Successors, will do Mr. *Hody* no good.

But grant that all which Mr. *Hody* and his *Prefacer* insinuates was true, that *Chrysoftom* relinquished, that Separation was contrary to his Spirit, that the good Man, seeing he was to be *Deposed*, advised and charged the Bishops his Friends to keep *Communion* with his *Deposers*, and

not to rend and divide the Church for his sake ; telling them and their adherents, that the Church could not be without a Bishop, though it might be without him ; yet I pray you what would he or any other of the *deprived Bishops* have done under an *Emperor* which persecuted the Order and very Office of Bishops, and would suffer no Bishops at all in the Church. Put the case that the *Emperor* had deposed all the Bishops in one part of the Empire, and had set up *Schismatical Presbyters*, nay, *Pseudopresbyters*, who were and are professed Enemies to the Name and Order of Bishops, in their place ; I am apt to think that *John Chrysostom* would not have submitted to an *unjust Deprivation* at such a time, and by such an *Emperor* who had sacrificed the Order to his Interest in one part of the Empire, and had no principle to keep him from doing it in the other, when great and formidable numbers of all sorts, would desire the deprivation and deposing of the whole Order ; certainly in such a case as this, he would never have receded, but continued his Order and Office, though a thousand deaths had attended him ; methinks I hear him at the bare thoughts of it, using the words he did when he was banished the City, *οὐ μὲν Βασιλεὺς ἢ Βασιλευσσοῦς ἀποείσται με;* will the *Empress* banish me ? let her banish me, the Earth is the Lord's, and the fullness thereof. If she command that I be cut in pieces, let me be *sawn asunder*; the Prophet *Esay* was served so before me. Will she throw me into the Sea ? I remember it was the fate of *Jonas* ; or into a *fiery Furnace* ? I shall have the *three Children* for my fellow Sufferers. If she will cast me to wild Beasts, I think how *Daniel* went the same way to the Lions. If she command I should be stoned, let it be so ; I have *Stephen the Protomartyr* on my side. Will she have my Head ? Let her have it, *John the Baptist* lost his. Has she a mind to my Estate ? Let her have it, *naked came I out of my Mother's Womb, and naked shall I return thither* : But as for my Office I will never forsake ; neither shall my Order perish as long as I have a Tongue and Hands to propagate it. Thus I persuade my self his zeal would have inflamed him ; and how tamely soever he might otherwise have sat down when the Interest of the Church was not concerned ; yet at such a time as this, he would have resumed his courage and his power, and never have suffered the Church to have been ruined for want of his assistance.

And so I have done with Mr. *Hody*, as far as I am concerned with him : But how he will come off for shamming the World with part of the Manuscript for the whole, I am not able to guess. Mr. *B.* in his Preface to the English Translation tells us, That there was a singular providence in the discovery of it at this juncture ; and if there were so then I hope the Collection of *Canons* which both of them have concealed, may have as good a Title to that singular providence, and as much τοῦ Θεοῦ in the discovery of it, as that part hath which they have thought fit to Print. It is written in the same hand, and follows immediately where the Printed Book concludes ; and Mr. *Hody*, as I am informed, having been told of it, and asked the reason why he did not publish it, answered, That he

Ep. 123.

believed it was not written by the same Author: But put the case he did believe so, had it not however been much the more for his honour, and the interests of truth to have published it, and given his reasons to the learned World why he did not believe it to be a part of the *Manuscript*, or that it was written by the Author of it. This had been fair dealing; but instead of that, both he and his *Prefacer* wholly concealed it, though the *Canons* carry much more venerable Antiquity and Authority with them, than the examples they have Printed, and are indeed of that Antiquity and Authority, which, to use the *Prefacer's* words of us, *we profess to imitate and pretend to alledge*. I shall here set them down as they are translated, into *English* from a Copy of the Original that was sent from *Oxford*; and when the learned Reader hath perused them, he will be shrewdly tempted to guess at the reason for which many learned Men suspect Mr. Hoag hath concealed them.

Τὸν ἁγίον Ἀποστόλων Κανὼν, ἀδ.

The 31 Canon of the Apostles, by a mistake for the 32.

If any *Presbyter* contemning his own *Bishop* shall hold a separate Meeting, and erect an opposite *Altar*, having nothing wherewith to charge the *Bishop* in matters of Piety and Justice, let him be deposed as an ambitious affecter of Government; for he is an *Ursurper*: In like manner, as many of the *Clergy* as shall joyn with him, shall be deposed, and the *Laicks* excommunicated: But all this ought to be done after the first, the second, and third admonition of the *Bishop*.

Τὸν ἐν Γάγγρᾳ Συνοδὸν Κανὼν 5.

The 6 Canon of the Synod of Gangra.

* In the Orig.

he is ἐπισκοπῶν
for ἐπισκοπῶν
instead of
ἐπισκοπῶν, as
the Printed
Canons have it.

If any Man hold a private Meeting out of the Church, and despising the Church, shall presume to perform the Offices of the Church, * the officiating *Presbyter* not being thereunto licensed by the *Bishop*, let him be *Anathema*.

Τὸν ἐν Ἀντιοχείᾳ Συνοδὸν Κανὼν 6.

The 5, Canon of the Synod of Antioch.

If any *Presbyter* or *Deacon* despising his own *Bishop* hath withdrawn himself from the Church, and set up an *Altar* in a private Meeting, and shall disobey the admonitions of the *Bishop* and will not be persuaded by him, nor submit to him exhorting of him again and again, he is absolutely to be deposed; and ought no longer to be treated as a curable person, neither as one who can retain his honour; and if he shall persevere to make tumults and disturbances in the Church, he is to be turned over as a seditious person to the *Secular Power*.

Τὸν αὐτὸν Συνοδὸν Κανὼν 11

The 15 Canon of the same Synod.

If any *Bishop* accused of any Crimes, be condemned by all the *Bishops* of the *Province*, who have all with one accord denounced the same sentence against him, such an one by no means ought to be judged again by others, but the concordant sentence of the *Provincial Bishops* ought to remain firm.

Τὸς ἐν Κερδῶν Κανὼν 10

The 10 Canon of the Synod of Carthage.

If any *Presbyter* being puffed up against his own *Bishop* shall make a Schism, let him be *Anathema*.

Τὸς αὐτῶν Συνόδου Συνὸς Κανὼν 13

The 13 Canon of the Synod of Constantinople, called the first and second Synod.

The Devil having sown the seeds of Heretical Tares in the Church of Christ, seeing them cut up by the roots by the Sword of the Spirit, hath betaken himself to a new way and method, *viz.* to divide the Church by the madness of *Schismaticks*; but the holy Synod being also willing to obviate this Stratagem of his, hath decreed as followeth: If any *Presbyter* or *Deacon* under pretence of accusing his own *Bishop* of any Crimes, shall presume to withdraw from his Communion, and not to mention his Name in the holy Prayers of the *Liturg*y according to the Tradition of the Church, * *before Synodical Judgment and Trial*, such a one shall be deposed, * Πρὸ Συνόδου καὶ διαγνώσεως καὶ ἐλέγχου. and deprived of all *Sacerdotal* honour: For he that is in the Order of a *Priest*, and shall usurp the power of judging belonging to the *Metropolitan*, and as much as in him lies shall condemn his own *Father* and *Bishop*, before sentence pronounced by them, he is worthy neither of the honour nor appellation of a *Presbyter*; and those who are followers of such an one, if they are in Holy Orders, even any of them shall be degraded from his proper honour; but if they are *Monks*, or *Laicks*, they shall by all means be excommunicated from the Church, untill abhorring the conversation of *Schismaticks*, they shall return unto their proper *Bishop*.

Τὸς αὐτῶν Συνόδου Κανὼν 14

The 14 Canon of the same Synod.

If any *Bishop* pretending an accusation against his *Metropolitane* † *before Synodical Judgment*, shall withdraw himself from Communion † Πρὸ Συνόδου καὶ διαγνώσεως. with him, and shall not recite his Name according to custom in Divine Service, the holy Synod hath decreed that such an one shall be deposed, if after private admonition he shall depart from his own *Metropolitane*, and make a Schism: For it behoves every one to know his own proper bounds, and that neither the *Presbyter* despise his own proper *Bishop*, nor the *Bishop* his own *Metropolitane*.

Τὸς αὐτῶν Συνόδου Κανὼν 15

The 15 Canon of the same Synod.

These decrees concerning *Presbyters*, *Bishops* and *Metropolitans* agree also to *Patriarchs*: So that if any *Bishop* or *Metropolitane* shall presume to depart from Communion with his own *Patriarch*, and shall not mention his Name in the Divine Offices, as is decreed and ordered, * *before Synodical conviction and final condemnation of him*; the holy Synod hath decreed that such an one be absolutely deposed from all Sacred Orders, if he offend in this kind after † Πρὸ συνάξεως Συνόδου καὶ ἐλέγχου καὶ κατακρίσεως. private admonition. And these things are decreed and enacted concerning

† τὴν ἑνότητα
τῆς ἐκκλησίας
διασπᾶν. v.
In the Prints
only.

† Περὶ Συνοδικῆς
καὶ Διακριτικῆς
αἰ.

ning those who under pretence of any accusations, revolt from their own Superiors, and make a *Schism*, † and break the *Unity* of the Church. But if any shall separate themselves from *Communion* with their Superior for any *Heresie* condemn'd by the holy *Synods* and *Fathers*, he publicly Preaching the same *Heresie* to the People, and teaching it bare-fac'd in the Church: Such shall not be only free from Canonical censure for separating themselves from *Communion* with the Bishop so called † before *Synodical condemnation*, but shall be thought worthy of the honour that is due to the *Orthodox*, because they have not condemned a Bishop, but a false Bishop and a false Teacher, and have not divided the *Unity* of the Church by *Schism*, but have studiously endeavoured to preserve the Church from *Schism* and *Divisions*.

From this Collection of *Canons*, which speaks of no *Deposition* or *Deprivation* of Bishops but what is *Synodical*, an unprejudiced Reader will easily perceive, that the Author of the *Manuscript*, of which this Collection is the latter part, ought to be understood of the former, not of Secular, but of Ecclesiastical Deprivations by *Synods*, abusing their lawfull power, and unjustly depriving and deposing Bishops, whom they ought not to have deprived and deposed. And that the Author ought to be so understood, is farther evident from his citing the *Synods* explication of their *Canons*, as well as the *Canons* themselves, with respect to which they tell us, that notwithstanding what is said in those *Canons*, the People and Priests may separate from their Bishop, or the Bishops from their Metropolitane, or the Metropolitane from the Patriarch before *Synodical condemnation*; if they openly and publicly Preach any *Heresie* which is already condemned by the holy *Synods*; which strongly implies that he thought, that they were not upon any other account to forsake them, unless they were *Synodically* condemned; and that the unjust *depositions* he speaks of in his *Treatise*, are to be understood of unjust *depositions* by *Synods*, i. e. of unjust *depositions* by the proper and competent, but erring Judge.

As great as the decay of ancient Discipline was in the *Greek Church*, in the Age when Master B. thinks this *Manuscript* was written, *Synodical depositions* (though by most degenerate and corrupt *Synods*) was still the common practice of it, and *Emperors* still deprived Bishops by the old way of *Synodical Authority*, as is plain from the *deposition* of *Arsenius*, Patriarch of *Constantinople*, by the procurement of the usurping *Michael Paleologus*; of which I will here give a short account out of *Nicephorus Gregoras*, because it caused the greatest *Schism* that ever happened at *Constantinople*, but that upon the *deposition* of *John Chrysostom*; and also because it is very probable that this anonymous *Treatise* now published against us, was written upon the occasion of this *Schism*.

The Emperor *Theodosius Lascaris*, the second Son of *Theodorus Duca*, by *Irene*, Daughter of *Theodorus Lascaris* the first, dying in the 36th year of his Age, left *John Lascaris* his Son, a *Minor* of six years of Age,

under the Tutorship of *Muzalon* and *Arsenius*, the Patriarch of *Constantinople*: But *Muzalon*, a Man of inferior Quality, perceiving he was envied by the Nobles and common People, offered to resign his Trust into the hands of the Nobles, convened for this purpose; but they refused to let him part with his Trust, and not long after, with the whole Army took an Oath to him, under the highest Imprecations to themselves and their Families, that without any Treachery they would maintain him in the Wardship of the young Prince, and reserve the Empire for him and his Posterity. But notwithstanding this Oath some of the Nobles six days after set upon *Muzalon* in the Church, and slew him and his two Brothers at the Altar, whither they had fled for Shelter. Upon this *Arsenius*, very much perplexed, consults with the Nobles what was to be done for the Safety of the Prince, in which Consultation they chose *Michael Paleologus* to take the Administration upon him, under the Title of *Despot*, during his Minority.

After this the chief among the Nobles declare him Emperour, which troubled the good Patriarch exceedingly, who thereupon had thoughts of excommunicating the Usurper, and all his Adherents; but upon farther deliberation he thought it more advisable to give way, and bind both him and them by new Oaths to give Security to the Prince, both as to his Life, and Succession to the Throne, when he should come to Age.

Lib. 6.

Shortly after he had taken this security from them, he was forced at the instance of the *Senate* and *Clergy* to tie the *Diadem* upon the Head of *Paleologus* with his own hands; but when he did it, he made him swear again that he should recede from the Government, and lay by all the *Regalia*, to make way for the Prince when he came of Age. But after this, the good old Man seeing the Prince his Pupil despised, retired from his Church into a *Monastery*, and was succeeded by *Nicephorus*, Bishop of *Ephesus*; who died after he had enjoyed his dignity a year. Soon after this *Paleologus* being peaceably settled in *Constantinople* and the Government, calls back *Arsenius*, and makes him *Patriarch* again upon the vacancy of *Nicephorus*: And not long after resolving to keep the Empire for himself, he persisted to marry the Sisters of the Prince to inferior persons, and without any regard to humanity, or his repeated Oaths, he puts out the Eyes of the Prince, and sent him to be safely kept in a remote Prison.

The *Patriarch* upon this excommunicates the *Emperor Paleologus*, who in a seeming humble manner desires to be absolved from the excommunication; but not being able to obtain absolution from the *Patriarch*, he calls a *Synod* to meet in the *Palace*, to try him for some pretended Crimes, which he pickt up here and there against him. The *Synod* met, and the cowardly time serving Bishops strove which should be most forward in having their *Patriarch* accused, and accordingly they cited him to appear, and called for his accusers, but he refused to appear, upon this exception, that

(2)

that the Synod was indicted by the Emperor his open Adversary, in effect was also his Judge.

Upon his non appearing, he was deposed by the Synod for contumacy, and upon *Deposition* banished by the perjured Emperor; and *Germanus* Bishop of *Adriatople* (the perjured old Friend) succeeded in his Throne. Upon this a great Schism arose in *Constantinople* among the People, who looked upon *Germanus* as an Usurper, counting *Arsenius* be their *Triarch* *Patriarch*, or true *Patriarch* after deposition, because he was justly deposed; wherefore *Germanus* not being able to endure the affronts and reproaches the people, quitted the Throne, and was succeeded by *Iosaphus* a Monk, who understood *Greek*, but absolved the perjured Emperor, and afterwards retired into a *Monastery*; and during his administration, there was still a strong Party adhered to *Arsenius*, and continued to do so in the time of *Bacut*, who after the death of the Emperor, privately withdrew from his Station into a *Monastery*, and was succeeded by *Iosaphus* the *Patriarch*, whom before he had succeeded; but still the Schism continued, some being for *Iosaphus*, *Arsenius* being now dead, and others being against him, because they pretended, *Arsenius* had excommunicated him in his life time for invading his See while he was alive; and the Party thus contesting one with another, *Iosaphus* for peace sake, and partly because he was old and infirm, once more retired, and succeeded by *Grigorius* Cyprian, who it seems understood the learned *Greek* well; but whether was the Schism suddenly quieted in his time, though I suppose this famous Manuscript had been written under some of the Successors of *Arsenius*, to appease it; and I desire Mr. Hody and Mr. B. his Voucher, to tell us how the People of *Constantinople* came to depose so many Successors of *Arsenius*, if according to the *Greek* Manuscript, *Neicher* unjustly deposed Bishop, nor the Church ever made a separation from his Successor, if he were a Heretic. What! Are they the first that did so? No, both these Gentlemen and *Gracianus* *Isidore* know better; but however as he thought it might serve a turn to write his Book, so they thought it might serve a turn how to Print it, and commend an excellent Treatise, though it is really a trifling piece, written with little skill, and lewdness, by an Author of little Antiquity and Authority, in a most ignorant and cruel Age, when it was counted a mighty thing in a *Greek* Clergy-man to understand the *Greek*, and the Writings of their Fathers that was written in *It*; and when in the *Greek* Church it self there was a great corruption in Doctrine, Worship and Discipline, as well as in the Morals both of the *Lay* and *Clergy*; the latter whereof were of such a Spirit as to court and comply with every base Usurper to get Preferment, and every thing to his and their Covetousness and Ambition, but their quarrels with the Pope and the Possessions of their Church.

Thus much I have thought fit to say in reference to the Baroccian Manuscript, as I was bound to take some notice in behalf of my own Book; which is taken out of the best and purest Antiquity, that calls for much more reverence and veneration than the thing Collected by the Author of that Treatise: And if our New Bishops have better Authorities than those they find in him to justify and support them, The Good Peace and Unity be morefall unto them, and give them Grace to consider, that numbers and cannot alter the Primitive notions of Schism; nor change the sinful and diabolical nature thereof.

September 29. 1691.

F I N I S.